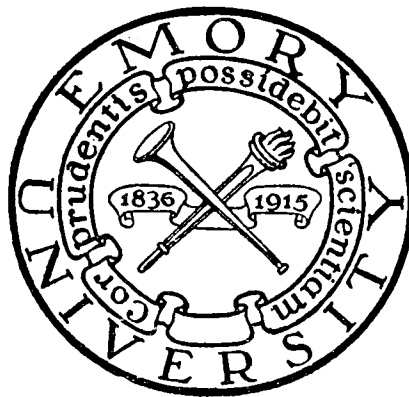




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JOURNAL.

ATLANTA, GA., January 10, 1870.

In pursuance of a proclamation by his Excellency Rufus B. Bullock, Provisional Governor of Georgia, the House of Representatives convened this day at twelve o'clock M., at the Capitol, in the city of Atlanta.

The House was called to order by Hon. A. L. Harris, Clerk *pro tem.*, appointed by his Excellency the Provisional Governor to organize said House under Act of Congress, approved December 22, 1869.

The proceedings were opened with prayer by Rev. C. W. Francis.

The Clerk *pro tem.* then directed to be read the proclamation of his Excellency the Provisional Governor convening the General Assembly of the State of Georgia, as follows:

A PROCLAMATION.

GEORGIA.

By Rufus B. Bullock, Provisional Governor of said State.

ATLANTA, GA., December 22, 1869.

By virtue and in pursuance of an Act of Congress to promote the reconstruction of the State of Georgia, approved December 22, 1869, of which the following is a copy, to-wit:

“An Act to promote the reconstruction of the State of Georgia.

“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Governor of the State of Georgia be, and hereby is, authorized and directed forthwith by proclamation to summon all persons elected to the General Assembly of said State as appears by the proclamation of George G. Meade, the General Commanding the Military District including the State of Georgia, dated June 25, 1868, to appear on some day certain, to be named in said proclamation, at Atlanta, in said State, and thereupon the said General Assembly of said State shall proceed to perfect its organization in conformity with the Constitution and laws of the United States according to the provisions of this Act.

“SEC. 2. And be it further enacted, That when the members so elected to said Senate and House of Representatives shall be convened as aforesaid, each and every member and each and every person claiming to be elected as a member of said Senate or House of Representatives shall, in addition to taking the oath or oaths required by the Constitution of Georgia, also take and subscribe, and file in the office of the Secretary of State of the State of Georgia, one of the following oaths or affirmations, namely:

“I do solemnly swear—or affirm—as the case may be—that I have never held the office or exercised the duties of a Senator or Representative in Congress, nor been a member of the Legislature of any State of the United States, nor held any civil office created by law for the administering of any general law of a State, or for the administration of justice in any State or under the laws of the United States, nor held any office in the military or naval service of the United States, and thereafter engaged in insurrection or rebellion against the United States, or gave aid or comfort to its enemies, or rendered, except in consequence of direct physical force, any support or aid to any insurrection or rebellion against the United States, or held any office under or given any support to any government of any kind organized or acting in hostility to the United States, or levying war against the United States. So help me God—or on the pains or penalties of perjury, as the case may be.”

—or the following oath or affirmation, namely: ‘I do solemnly swear—or affirm, as the case may be—that I have been relieved by an Act of the Congress of the United States from disability as provided for by section three of the Fourteenth Amendment to the Constitution of the United States. So help me God—or on the pains and penalties of perjury, as the case may be’—which oath or affirmation, when so filed, shall be entered of record by the Secretary of State of the State of Georgia, and said oath or affirmation, or a copy of the record thereof, duly certified by said Secretary of State, shall be evidence in all courts and places, and every person claiming to be so elected, who shall refuse or decline, or neglect, or be unable to take one of said oaths or affirmations above provided, shall not be admitted to a seat in said Senate or House of Representatives, or to a participation in the proceedings thereof, but shall be deemed ineligible to such seats.

“SEC. 3. *And be it further enacted*, That if any person claiming to be elected to said Senate or House of Representatives as aforesaid, shall falsely take either of said oaths or affirmations above provided, he shall be deemed guilty of perjury and shall suffer the pains and penalties thereof, and may be tried, convicted and punished therefor by the Circuit Court of the United States for the District of Georgia, in which district said crime was committed, and the jurisdiction of said court shall be sole and exclusive for the purpose aforesaid.

“SEC. 4. *And be it further enacted*, That the persons elected as aforesaid, and entitled to compose such Legislature, and who shall comply with the provisions of this Act by taking one of the oaths or affirmations above prescribed, shall thereupon proceed in said Senate and House of Representatives to which they have been elected respectively, to reorganize said Senate and House of Representatives respectively, by the election and qualification of the proper officers of each House.

“SEC. 5. *And be it further enacted*, That if any person shall by force, violence or fraud, willfully hinder or interrupt any person or persons elected as aforesaid from taking

either of the oaths or affirmations prescribed by this Act, or from participating in the proceedings of said Senate or House of Representatives after having taken one of said oaths or affirmations, and otherwise complied with this Act, he shall be deemed guilty of a felony and may be tried, convicted and punished therefor by the Circuit or District Court of the United States for the District of Georgia, in which district said offense shall be committed, and shall be punished therefor by imprisonment at hard labor for not less than two nor more than ten years, in the discretion of the court, and the jurisdiction of said courts shall be sole and exclusive for the purpose aforesaid.

“SEC. 6. *And be it further enacted*, That it is hereby declared that the exclusion of any person or persons elected as aforesaid, and being otherwise qualified, from participation in the proceedings of said Senate or House of Representatives upon the ground of race, color or previous condition of servitude, would be illegal and revolutionary, and is hereby prohibited.

“SEC. 7 *And be it further enacted*, That upon the application of the Governor of Georgia, the President of the United States shall employ such military or naval forces of the United States as may be necessary to enforce and execute the preceding provisions of this Act.

“SEC. 8. *And be it further enacted*, That the Legislature shall ratify the Fifteenth Amendment proposed to the Constitution of the United States before Senators and Representatives from Georgia are admitted to seats in Congress.”

I hereby issue this, my proclamation, to summon all persons elected to the General Assembly of the State of Georgia, as appears by the proclamation of George G. Meade, the General Commanding the military district including the State of Georgia, dated June 25, 1868, who are qualified, to appear at Atlanta in said State on Monday, the tenth (10th) day of January next, whereupon such of the said persons as are qualified to hold office in accordance with the provisions of the acts of Congress in such cases made and provided, will be organized in the Senate and

House of Representatives respectively, as the Provisional Legislature of the State of Georgia, for the purpose of promoting the reconstruction of civil government in said State, in accordance with the laws of the United States.

RUFUS B. BULLOCK,
Provisional Governor.

The Clerk *pro tem.* directed the reading of the following order of his Excellency the Provisional Governor, authorizing and directing the organization of the House of Representatives:

ATLANTA, January 8, 1870.

“In pursuance of an Act of Congress to ‘promote the reconstruction of the State of Georgia,’ approved December 22, 1869, it is ordered that Hon. A. L. Harris, as Clerk *pro tem.*, will proceed to organize the House of Representatives.

“He will call the body to order at 12 o’clock M., on Monday the 10th instant, in the hall of the House of Representatives.

“The names of the persons proclaimed as elected members of the House of Representatives in the order of General Meade, dated Headquarters Third Military District, Department of Georgia, Florida and Alabama, Atlanta, Georgia, June 25, 1868, General Orders, No. 90.

“As each name is called the person so summoned will, if not disqualified, proceed to the Clerk’s desk and take the oaths, or make affirmation, as the case may be, prescribed in the said Act, before Judge Black, United States Commissioner, who will be present and administer the same.

“When the oaths are so executed, they will be filed with the Honorable the Secretary of State, or his deputy, who will be present.

“When all the names mentioned in said order of General Meade have been called, as before provided, such of the persons as have qualified will thereupon proceed to organize by the election and qualification of the proper officers.

RUFUS B. BULLOCK,
“Provisional Governor.”

The following order of General George G. Meade was directed by the Clerk *pro tem.* to be read:

HEADQUARTERS THIRD MILITARY DISTRICT,
(DEPARTMENT OF GEORGIA, FLORIDA AND ALABAMA,)
ATLANTA, GEORGIA, June 25, 1868.

General Orders, No. 90.

"From the returns made by the boards of registration of the election held in the State of Georgia for a Governor, members of the General Assembly and other officers, under the provisions of General Orders No. 40, issued from these headquarters, which election commenced on the 20th day of April, 1868, and continued four days, it appears:

"1. That, at the said election, Hon. R. B. Bullock received a majority of all the votes cast for Governor of the State of Georgia.

"2. That, at said election, the following named persons were elected Representatives in the General Assembly of said State from the counties to their names respectively attached, viz: "

The Clerk *pro tem.* then directed the calling of the roll of the House, and the administering of the oaths, as directed by congressional enactment heretofore read—the oaths to be taken before United States Commissioner Judge Lawson Black.

The calling of the roll proceeded as follows:

COUNTY.	NAME.	REMARKS.
Appling.	Isham Raddish	Sworn.
Baker	A. M. George	No response.
Baldwin	Peter O'Neil	Sworn.
Banks	Wm. R. Bell	Sworn.

Here Hon. William R. Bell, of Banks, presented the following communication, which the Clerk *pro tem.* directed to be read:

Mr. Clerk pro tem. :

I deem it to be very important that the official construction given to the oath by the General commanding this District should be read, so that we may all be advised as to its true meaning. I ask that it be read for information.

In conformity to this request from a qualified member, the Clerk *pro tem.* directed the reading of the following opinion of the Attorney-General of Georgia, and the endorsement thereof by Major-General Terry, commanding this district:

“EXECUTIVE DEPARTMENT,
ATLANTA, GEORGIA, January 8, 1870.

“*Hon. H. P. Farrow, Attorney-General :*

“SIR—Your attention is directed to the following extract from a letter containing an opinion published in the Constitution newspaper of this morning, which leads me to invite your opinion as to the scope of the oath provided for members of the Provisional Legislature by the last Reconstruction Act:

““But there are some offices the holding of which does not disqualify. For instance, one may have held the office of State Librarian and afterwards engaged in some act of hostility to the United States, but this is not such an office as, in connection with such an act, will render the person who holds it ineligible, because it is not an office for the administering of any general law of the State, or for the administration of justice. In fact, the Librarian is not an officer for administering any general law. He is an officer to take charge of and take care of the books, and for nothing else. What law does he administer?

“And so with regard to the mayors and aldermen of municipal corporations. They are not officers for the administration of any general law of the State. They are officers for administering their own local laws, which have no operation beyond the limits of their respective corporations.

“The opinion given by the writer of the letter referred

to is, that, having held the office of State Librarian or mayor of a city, and afterwards given aid or comfort to the rebellion, or holding office under a government carrying on such rebellion, would not disqualify. This opinion, taken in connection with the editorial comment, and with the fact that members are affected by the precise conditions named by the writer, renders it important that an authoritative opinion should be made public, covering the legal construction of the oath in the Act referred to.

“Very respectfully, RUFUS B. BULLOCK.”

ATTORNEY-GENERAL'S OFFICE,
ATLANTA, GEORGIA, January 8, 1870.

“SIR: Your communication of this date, requiring my written legal opinion as to the character of the oaths prescribed for the members of the General Assembly by the terms of the law recently enacted by Congress, entitled ‘An Act to promote the reconstruction of the State of Georgia,’ has been received, and I will proceed, without delay, to comply with the same by submitting my official opinion. Being a judicial officer, sworn to support the Constitution and laws of the United States, and being also sworn to render your Excellency my written legal opinion whenever called upon for the same, it becomes necessary for me, in the discharge of this duty, to lay aside all other considerations and direct myself to the one inquiry, what is the law?

“This is an oath to be administered, under the laws of the United States, by some one authorized by the same to administer oaths to all persons elected to the General Assembly of the State of Georgia, as appears by the proclamation of George G. Meade, the General commanding the Military District including the State of Georgia, dated June 25, 1868, when they shall have convened in pursuance with the proclamation of your Excellency, bearing date December 22, 1868.

“In substance and legal effect, the person who takes

this oath declares that he has never held any office of any kind under the United States, or any civil office under any State, the duties of which civil office were for the administration of justice, or for the administration of a general law of the land, and thereafter engaged in rebellion, etc.

“If a citizen ever in the course of his life held any office of any kind, civil, military or naval, under the United States Government, he cannot lawfully take this oath, if thereafter he has done either of the things subsequently specified. If he held no office of any kind, either State or national, before the rebellion, he can legally take the oath, no matter what may have been his conduct during the rebellion.

“An office, as defined by Webster, is a ‘particular duty, charge or trust, conferred by public authority and for a public purpose,’ and any one who has occupied such a position has ‘held an office.’

“If the office was created under the laws of the United States, it is included, whether it be civil, military or naval. But if the office was created under State authority, the oath does not include all offices, but only a certain class of offices. If, however, the duties of the office were, in any degree, of a general civil character, as if, for instance, a militia captain had the powers or duties of executing any general civil law by virtue of his office, clearly the ‘office’ is an office within the meaning of the oath. The mere name of an office cannot fix its character—*that* must be determined by the character of the powers and duties of the office.

“By this oath the ‘office’ held under any State must be first an office ‘created by law;’ that is, authorized or provided for by some law of a State; and it must be for ‘the administration of a general law of a State, or for the administration of justice.’

“These words are very comprehensive and include all officers whose duties are the execution of a general law or the administration of justice, but do not apply to officers who administer local law alone. As, for instance, officers of local corporations, whose powers are strictly confined

to the administration of the local law. But if these officers have duties under the general laws, as if any of them have *ex officio* the powers of a Justice of the Peace to bind criminals over to court, or to arrest persons for the violation of a general law, then they have powers and duties under general laws and are included in the terms of this oath. It will be observed that it is not required that one shall have performed any duty or taken any particular oath of office, or that the office shall have been of any particular grade or dignity. But in its comprehensive sweep it includes all civil officers of every character, created by law and having duties fixed by other than mere local law made for a special locality. An office may be created for local purposes chiefly, but may be invested with powers foreign to the local purposes for the general public good, which brings them in the list.

"We have in Georgia many 'officers' of an humble character, but nevertheless included under this law as 'officers.'

"I submit the following list of officers, which, in my judgment, under the rules I have mentioned, are included under the terms of the oath:

"1. Governor and such secretaries of the Executive Department as are provided for by law.

"2. All members of the Legislature and the officers provided by law of each House.

"3. Members of the State Conventions held under authority of law and the officers of such Conventions.

"4. Secretary of State, Comptroller General, Surveyor General, Treasurer, Librarian, and Superintendents of the various Asylums and Public Institutions of the State, with such other 'officers' therein as are provided for by law.

"6. The Principal Keeper, Assistant Keeper, Chaplain, Book-keeper and all other officers of the Penitentiary provided for by law.

"7. Judges of the Supreme Court, Clerk and Reporters.

"8. Judges and Solicitor General of Superior Courts and clerks of such courts.

“9. Judges of the City Courts and of the Inferior Courts and clerks of such courts.

“10. Ordinaries and clerks of Court of Ordinary.

“11. Sheriffs, Deputies, Jailors and Coroners, County Treasurers, Tax Collectors, Tax Receivers and Surveyors.

“12. Magistrates, Notaries Public, Constables and Road Commissioners.

“13. Officers of towns or cities who by virtue of their offices were authorized to issue warrants or make arrests for the violation of any general law of a State.

“14. United States officers of every kind, civil, military or naval, legislative, executive or judicial, commissioned or non-commissioned. In other words, any one selected by authority of law for the performances of any duty for the public under a law of the United States. There may be other officers which have been overlooked, for in this list should be included all persons ‘appointed by public authority to carry into effect the provisions of any general law of a State, whether the sphere of duty of the officer includes the whole State or is confined to localities.’

“Under this rule I have included ‘Constables, Notaries Public and Road Commissioners.’ I have done so because they, each of them, undoubtedly administered and executed general laws.

“A Notary Public protested notes, administered oaths upon which to issue bail writs and issued attachments and was entitled to fees.

“Road Commissioners held courts, gave judgments and issued executions, and in many ways administered general laws. They, as well as Constables, Sheriffs, Judges and other officers known to the law, are the machinery by which the public laws are administered.

“But as contemplated by this oath, it is not enough to render one ineligible to a seat in the Legislature, that he shall have held office. To be ineligible, he must ‘afterwards’ have done some one of the disqualifying acts referred to in the latter portion of the oath. These are—

“1. Insurrection or rebellion against the United States.

“Doubtless this refers primarily to those who have

borne arms, or engaged, as active partisans, in carrying on war against the United States, by legislating, by meetings, acting in State Conventions, and other unarmed modes of conducting and carrying on and furnishing means of war.

“2. Gave aid and comfort to the enemies of the United States.

“‘Aid’ is easily understood: assistance, by means of food, money, credit, advice, information, etc. ‘Comfort’ is a legal term, and is defined to mean ‘support, assistance, encouragement.’

“3. Or *rendered*, except in consequence of direct physical force, any aid or support to any insurrection against the United States.

“It will be observed that this clause contains a qualification that the aid here referred to, if rendered in consequence of direct physical force, is excepted. It will be noticed, too, that this clause refers to aid to the insurrection, or rebellion, and not to comfort and assistance to the individual enemies of the United States.

“4. Nor held any office under or given any support to any government of any kind, organized or acting in hostility to the United States, or levying war against the United States.

“‘Held any office under.’ It will be noticed that the word is not simply ‘taking’ office under. In all of the States the rebel governments were, for the most part, ‘officered’ by the old officers holding over—‘holding’ under the new organization—accepting the situation—taking part, or acting as officers under the new government organized in hostility to the United States. Without doubt, such officers ‘held office’ under the rebel government and cannot take the oath if they had previously held any of the specified offices.

“‘Giving support to’ any government is also mentioned, and this is not support to the rebellion, not aid and comfort to the enemies of the United States, but *support to any government* of any kind organized in hostility to the United States.

“Webster defines ‘support’ to mean, ‘the act of upholding or sustaining.’

“A man supports a civil organization by doing any act calculated to support or perpetuate it.

“The whole oath is, in my judgment, intended to exclude from the Legislature any person who, having once held any office under the United States, or any of the specified offices under any State afterwards, except in consequence of direct physical force, gave any aid, assistance, encouragement or help to the rebellion, or who participated in any civil government organized or acting in hostility to the United States by ‘holding office’ under it, or by giving it any support or assistance, or in any way upholding or taking part in it as one of its public members.

“In regard to the published opinion to which you have referred me, and the special cases therein cited, I have only this to say:

“What is a general law? I take it that it is a law in which the whole State is interested, as distinguished from one which refers only to one locality. Any officer who has duties at the Capitol for the whole State administers a general law, because he acts for the whole State. To administer a law is to act as its agent—to enforce it—to perform duties under it—to act as its minister, and any one, who is appointed by public authority to perform the duties of an office, having reference to the interests of the whole State as a body politic, is an officer for the administration of a general law.

“The case of officers of cities, etc., I have already alluded to, to-wit: I have said that where the duties of those officers are *only* local, they are not officers to administer a general law. But if they be *ex officio* Justices of the Peace—as for instance, if they have powers to bind over offenders against any general law for trial before the Superior Court, or if they have power to issue warrants or make arrests for the violation of a general law, then they are ‘ministers’ of it and administer a general law.

“Is it a general law that if one violate the general criminal law a warrant shall issue against him, he shall be

arrested, an examination be had, and he be bound over to answer his offense? If so, any one who is authorized by law as an 'officer' to take part in the proceedings is an officer for the administration of a general law.

"The only other special case put in the opinion to which you refer is that of State Librarian.

"In my judgment he is a specified State officer. His office is created by law; he receives a salary from the State Treasury, and his duties pertain to the interests of the whole State, and not to any particular locality. The duties of this officer are prescribed by the general law, (Code, § 67, § 1050, § 1062, and other sections,) and the law fixing these duties formed a part of the general law. Indeed, there is no county in the State in and concerning which the Librarian has not duties—since the whole distribution of the laws is in his charge, and his official duties bring him in contact, as the agent and 'minister' of the law, with various persons in every county of the State.

"I am, very respectfully,

H. P. FARROW,
Attorney-General.

"To Governor R. B. Bullock."

"ATLANTA, January 8, 1870.

"In pursuance of an act of Congress 'to promote the reconstruction of the State of Georgia,' approved December 22, 1869, it is ordered that J. G. W. Mills, Esq., as Clerk *pro tem.*, will proceed to organize the Senate.

"He will call the body together at 12 o'clock M., on Monday, the 10th instant, in the Senate Chamber.

"The names of the persons proclaimed as elected members of the Senate in the order of General Meade, dated Headquarters Third Military District, Department of Georgia, Florida and Alabama, Atlanta, Georgia, June 25, 1868, General Orders, No. 70.

"As each name is called the person so summoned will, if not disqualified, proceed to the Clerk's desk and take the oaths or make affirmation (as the case may be) pre-

scribed in the said act, before Judge Smith, United States Commissioner, who will be present and administer the same.

“When the oaths are so executed they will be filed with the Honorable the Secretary of State, or his deputy, who will be present.

“When all the names mentioned in said order of General Meade have been called, as before provided, such of the persons as have qualified will thereupon proceed to organize by the election and qualification of the proper officers.

RUFUS B. BULLOCK,

“Provisional Governor.”

“ATLANTA, January 8, 1870.

“*General A. H. Terry, Commanding District of Georgia:*

“GENERAL—In the absence of any specific provisions in the law providing for the manner of effecting the organization of the two Houses of the General Assembly, I propose to issue the enclosed instructions and desire your opinion in regard to them.

“I am, General, very respectfully,

“RUFUS B. BULLOCK.”

“HEADQUARTERS MILITARY DISTRICT OF GEORGIA,

“ATLANTA, January 8, 1870.

“*Governor R. B. Bullock:*

“SIR—In reply to your letter of this date, asking my opinion upon the manner in which the organization of the two Houses of the Legislature should be effected, I have the honor to inform you that I see no objection to the course which you propose. I think that no member can take any part whatever in the organization until he shall, after the convening of the Legislature, have taken the prescribed oath before an officer authorized by the laws of the United States to administer oaths, and have filed it with the Secretary of State, and consequently that there

must be initiatory action on the part of some other authority, such as was taken when this same Legislature was first assembled. Inasmuch as you are directed by the terms of the law to call the Legislature together that other authority is most properly yourself.

“Very respectfully, your obedient servant,

“ALFRED H. TERRY,

“Brevet Major-General Commanding District.”

The Clerk *pro tem.* directed that the calling of the roll be resumed.

The call was proceeded with as follows:

COUNTY.	NAME.	REMARKS.
Berrien.	Thomas Paulk.	Sworn.
Brooks	W. A. Lane.	No response.
Bibb.	H. M. Turner.	Sworn.
Bibb.	J. Fitzpatrick	Sworn.
Bibb.	J. E. J. Franks.	Sworn.
Bryan	W. S. Houston.	Sworn.
Bulloch.	W. M. Hall	Sworn.
Burke	M. Claiborne.	Sworn.
Burke	John Warren.	Sworn.
Burke	John A. Madden.	Sworn.
Butts.	T. M. Harkness	Sworn.
Catoosa.	A. S. Fowler	Sworn.
Chatham.	C. K. Osgood.	Sworn.
Chatham.	James Porter.	Sworn.
Chatham.	James M. Simms	Sworn.
Camden.	Virgil Hillyer.	Sworn.
Campbell	W. S. Zellars.	Sworn.
Carroll.	John Long.	No response.
Cass	F. M. Ford.	Sworn.
Cass	M. J. Crawford.	No response.
Chattahoochee.	W. A. McDougald.	Sworn.
Charlton.	F. M. Smith.	Sworn.
Chattooga	C. C. Cleghorn	Sworn.
Calhoun	F. S. Pepper.	Sworn.
Cherokee	N. J. Perkins.	Sworn.
Clark.	M. Davis.	Sworn.
Clark.	A. Richardson	Sworn.
Clay	R. A. Turnipseed.	Sworn.
Clayton.	A. E. Cloud.	Sworn.
Clinch.	G. Lastinger	Sworn.
Columbia.	J. M. Rice	Sworn.
Columbia.	Romulus Moore	Sworn.
Coffee.	J. R. Smith.	No response.
Coweta	F. M. Scroggins.	Sworn.
Coweta	P. Sewell	Sworn.
Cobb	W. D. Anderson.	Sworn.
Cobb.	N. N. Gober.	Sworn.
Colquitt.	W. W. Watkins.	Sworn.

COUNTY.	NAME.	REMARKS.
Crawford.	W. G. Vinson.....	Sworn.
Dawson	J. S. Perkins.....	Sworn.
Dade..	J. C. Nisbet.	Sworn.
DeKalb. ..	W. H. Clark.	Sworn.
Decatur.	B. F. Powell	No response.
Decatur. ..	John Higdon.	Sworn.
Dooly.	Hiram Williams	No response.
Dougherty.....	Phillip Joiner..	Sworn.
Dougherty ..	A. R. Reid.	Sworn.
Early	H. C. Fryer..	Sworn.
Echols... ..	R. W. Phillips.	Sworn.
Effingham.. ..	M. Rawls	No response.
Elbert	N. O. Tate.	Sworn.
Emanuel... ..	J. A. Brinson.	No response.
Fannin	A. Haren	Sworn.
Fayette.... ..	P. H. Brassell.	No response.
Floyd..	D. Scott.....	Sworn.
Floyd... ..	M. Ballanger.	Sworn.
Forsyth	H. C. Kellogg.	No response.
Franklin.	J. A. Harrison.	Sworn.
Fulton..... ..	E. M. Taliaferro.	Sworn.
Fulton..	J. E. Gullatt.	Sworn.
Fulton.	V. P. Sisson.	Sworn.
Gilmer... ..	James M. Ellis..	Sworn.
Glascock.	J. H. Nunn	Sworn.
Glynn	R. B. Hall	No response.
Gordon.	R. A. Donaldson....	Sworn.
Green	R. L. McWhorter.....	Sworn.
Greene	A. Colby	Sworn.
Gwinnett	Lewis Nash	Sworn.
Gwinnett	R. M. Parks.	Sworn.
Habersham ..	W. S. Erwin.	Sworn.
Hall.	David Welchel	Sworn.
Hancock.. ..	W. H. Harrison.. ..	Sworn.
Hancock.....	Eli Barnes	Sworn.
Haralson.....	W. N. Williams.	Sworn.

After the call of the county of Haralson, the Clerk *pro tem* announced that the House would take a recess until Tuesday, January 11, at 10 o'clock A. M.

Whereupon the House took a recess at 4:30 P. M.

Correct: A. L. HARRIS, *Clerk pro tem.*

ATLANTA, Tuesday, January 11, 1870.

The House was called to order at 10 o'clock A. M. by Hon. A. L. Harris, Clerk *pro tem*.

The Clerk *pro tem.* announced that the calling of the roll

having been suspended with the county of Haralson would be resumed with the county of Hart.

The calling of the roll was proceeded with as follows:

COUNTY.	NAME.	REMARKS.
Hart	James Allen .. .	Sworn.
Harris.	W. I. Hudson. . .	No response.
Harris.	Samuel Williams .. .	Sworn.
Heard.	M. Shackletord.	Sworn.
Henry	J. A. Maxwell.	Sworn.
Houston.	J. W. Matthews.	Sworn.
Houston.	C. C. Duncan	Sworn.
Houston.	H. R. Felder.	Sworn.
Jackson	A. T. Bennett.	No response.
Jasper.	T. M. Allen.	Sworn.
Jefferson.	Benjamin Ayer	No response.
Jefferson.	Alexander Stone.	Sworn.
Johnson.	J. W. Meadow.	No response.
Jones	W. T. McCullough	No response.
Laurens	George Linder.	Sworn.
Lee	Samuel Lindsay	Sworn.
Lee	G. F. Page.	Sworn.
Liberty.	W. A. Golden.	Sworn.
Lincoln.	Platte Madison.	Sworn.
Lowndes	J. W. O'Neal.	Sworn.
Lumpkin	W. P. Price.	Sworn.
Macon.	P. H. Fyall	No response.
Macon	Robert Lumpkin	Sworn.
Madison	J. B. Moore.	No response.
Marion	W. M. Butts.	No response.
McIntosh.	T. G. Campbell, jr.	Sworn.
Meriwether	P. W. Chambers	No response.
Meriwether	W. H. F. Hall.	Sworn.
Miller	F. M. Hopkins.	No response.
Mitchell	J. B. Burtz	No response.
Montgomery	J. J. McArthur.	Sworn.
Monroe.	W. A. Ballard.	No response.
Monroe.	G. H. Clower.	Sworn.
Milton	G. M. Hook.	Sworn.
Morgan.	A. J. Williams.	Sworn.
Morgan.	Monday Floyd	Sworn.
Murray	J. N. Harris	Sworn.
Muscogee.	J. G. Maull	Sworn.
Muscogee.	Abraham Smith	Sworn.
Newton.	A. H. Lee.	Sworn.
Newton.	J. F. Harden.	Sworn.
Oglethorpe	J. W. Adkins.	Sworn.
Oglethorpe	J. Cunningham.	Sworn.

The Clerk *pro tem.* here announced that the House would take a recess until Wednesday, January 12, at 12 o'clock M.

Whereupon the House took a recess at 12 o'clock M.

Correct:

A. L. HARRIS, Clerk *pro tem.*

ATLANTA, Wednesday, January 12, 1870.

The House was called to order by Hon. A. L. Harris, Clerk *pro tem*.

The proceedings were opened with prayer by Rev. J. W. Lee.

The Clerk *pro tem*. announced that the calling of the roll having been suspended with the county of Oglethorpe would be resumed with the county of Paulding.

The calling of the roll was proceeded with as follows:

COUNTY.	NAME.	REMARKS.
Paulding	S. F. Strickland.	Sworn.
Pickens	S. A. Darnell.	Sworn.
Pierce	R. W. Carpenter.	No response.
Pike	R. A. Seale.	Sworn.
Polk	S. H. Walthall.	Sworn.
Pulaski	J. M. Buchan.	Sworn.
Pulaski	S. F. Saulter.	Sworn.
Putnam	S. C. Prudden.	Sworn.
Quitman	L. C. A. Warren.	Sworn.
Randolph	W. M. Tumlin.	Sworn.
Randolph	D. Goff.	No response.
Richmond	E. Tweedy.	Sworn.
Richmond	J. E. Bryant.	Sworn.
Richmond	T. P. Beard.	Sworn.
Rabun.	McK. Fincannon.	Sworn.
Schley	Thos. F. Rainey.	Sworn.
Screven.	W. D. Hamilton.	Sworn.
Spalding.	J. T. Ellis.	No response.
Stewart.	C. C. Humber.	Sworn.
Stewart.	J. K. Barnum.	Sworn.
Sumter	G. N. Harper.	Sworn.
Sumter	J. A. Cobb.	Sworn.
Talbot.	M. Bethune.	Sworn.
Talbot.	J. T. Costin.	Sworn.
Taliaferro.	W. F. Holden.	Sworn.
Tatnall	R. C. Surrency.	No response.
Taylor.	F. Wilchar.	Sworn.
Terrell	F. M. Harper.	Sworn.
Thomas	J. R. Evans.	Sworn.
Thomas	W. C. Carson.	Sworn.
Troup	J. H. Caldwell.	Sworn.
Troup	J. T. McCormick.	Sworn.

The Clerk *pro tem*. here announced that the House would take a recess until Thursday, January 13, at 12 o'clock M.

Whereupon the House took a recess at 2 o'clock P. M.

Correct:

A. L. HARRIS, Clerk *pro tem*.

ATLANTA, Thursday, January 13, 1870.

The House was called to order at 12 o'clock M., by Hon. A. L. Harris, *Clerk pro tem.*

The proceedings were opened with prayer by Rev. Wesley Prettyman.

The Clerk *pro tem.* announced that the calling of the roll having been suspended with the county of Troup, would be resumed with the county of Twiggs.

The calling of the roll was proceeded with as follows:

COUNTY.	NAME.	REMARKS.
Twiggs	H. Hughes.	No response.
Towns.	G. W. Johnson.	Sworn.
Union	J. H. Penland.	No response.
Upson.	J. C. Drake	No response.
Walker	W. B. Gray.. ..	Sworn.
Walton	J. B. Sorrell.	Sworn.
Warren	John Neal.	Sworn.
Warren.	S. Gardner.	Sworn.
Ware... ..	J. D. Smith.	Sworn.
Washington.	R. W. Flournoy	No response.
Washington.	W. G. Brown.	Sworn.
Wayne.	G. W. Rumph.	Sworn.

The Clerk *pro tem.* here directed the reading of the following order:

“ATLANTA, GA., January 13, 1870.

“That an investigation may be made into the right of certain persons to hold seats in the House of Representatives under the reconstruction acts, it is ordered that the Clerk *pro tem.*, as soon as the calling of the roll shall have been completed, will declare a recess until Monday next at 12 o'clock M.

“(Signed)

RUFUS B. BULLOCK,
“Provisional Governor.”

—
“HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
“ATLANTA, GA., January 13, 1870.

“In order that time may be given for an inquiry into the qualifications of certain persons who are alleged to be

ineligible to seats in the House under the reconstruction acts, I approve of the foregoing order.

“(Signed)

ALFRED H. TERRY,

“Brevet Major-General Commanding.”

The Clerk *pro tem.* directed the calling of the roll to be resumed.

The calling of the roll was proceeded with as follows :

COUNTY.	NAME.	REMARKS.
Webster	G. L. Rosser.	Sworn.
White	C. H. Kytle.	Sworn.
Whitfield	I. E. Shumate.	Sworn.
Wilcox.	D. Johnson.	No response.
Wilcox.	E. Belcher.	Sworn.
Wilkinson.	C. H. Hooks	Sworn.
Worth	J. M. Rouse.	No response.

The Clerk *pro tem.* here announced that, in conformity with the foregoing order, the House would take a recess until Monday, January 17, at 12 o'clock M.

Whereupon the House took a recess at 1:30 P. M.

Correct : A. L. HARRIS, Clerk *pro tem.*

ATLANTA, Monday, January 17, 1870.

The House was called to order by Hon. A. L. Harris, Clerk *pro tem.*

The proceedings were opened with prayer by Rev. C. W. Francis.

The Clerk *pro tem.* directed the following order to be read :

“ATLANTA, GA., January 17, 1870.

“Pending the investigation into the right of certain persons to hold seats in the House of Representatives, under the reconstruction acts, it is ordered: That the Clerk *pro tem.*, after making announcement, and giving

ample time, for such persons as desire so to do, to take the oath prescribed in the act to promote the reconstruction of the State of Georgia, shall declare a recess until Wednesday next at 12 o'clock M.

“(Signed)

RUFUS B. BULLOCK,
“Provisional Governor.”

—
“HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
“ATLANTA, GA., January 17, 1870.

“Pending the investigation into the qualifications of certain persons who are alleged to be ineligible to seats in the House, under the reconstruction acts, I approve of the foregoing order.

“(Signed)

ALFRED H. TERRY,
“Brevet Major-General Commanding.”

The Clerk *pro tem.* announced that all who had not taken the oath would now have an opportunity of doing so.

Whereupon the following presented themselves :

COUNTY.	NAME.	REMARKS.
Glynn	R. B. Hall	Sworn.
Brooks.	W. H. Lane.	Sworn.

The Clerk *pro tem.* directed the following order read :

“EXECUTIVE DEPARTMENT, STATE OF GEORGIA,
“ATLANTA, GA., January 17, 1870.

“Under and by virtue of the Constitution and laws of the State, it is ordered that the Treasurer pay to each member of the General Assembly, against whose eligibility no objection has been made, the sum of fifty dollars on account of per diem and mileage to this date.

“(Signed)

RUFUS B. BULLOCK,
“Provisional Governor.”

“HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
“ATLANTA, GA., January 17, 1870.

“Approved.

“(Signed)

ALFRED H. TERRY,
“Brevet Major-General Commanding.”

The Clerk *pro tem.* announced that the House would take a recess until Wednesday, 12 o'clock M.

Whereupon the House took a recess at 11:30 A. M.

Correct: A. L. HARRIS, Clerk *pro tem.*

ATLANTA, Wednesday, January 19, 1870.

The House was called to order at 12 M. by Hon. A. L. Harris, Clerk *pro tem.*

The proceedings were opened with prayer by Rev. C. W. Francis.

The Clerk *pro tem.* directed the reading of the following order:

“ATLANTA, GA., January 19, 1870.

“Pending the investigation into the right of certain persons to hold seats in the House of Representatives under the reconstruction acts, it is ordered: That the Clerk *pro tem.*, after making announcement, and giving ample time for such persons as desire so to do, to take the oaths prescribed in the Act to promote the reconstruction of the State of Georgia, shall declare a recess until Monday next at 12 o'clock M.

“(Signed)

RUFUS B. BULLOCK,
“Provisional Governor.”

“HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
“ATLANTA, GA., January 19, 1870.

“Pending the investigation into the qualifications of certain persons, who are alleged to be ineligible to seats in

the House under the reconstruction acts, I approve of the foregoing order.

“(Signed)

ALFRED H. TERRY,

“Brevet Major-General Commanding.”

The Clerk *pro tem.* announced that all who had not taken the oaths would now have an opportunity of doing so.

Whereupon the following presented himself :

COUNTY.	NAME.	REMARKS.
Effingham.	M. Rawls.	Sworn.

The Clerk *pro tem.* announced that the House would take a recess until Monday, 24th instant, at 12 o'clock M.

Correct :

A. L. HARRIS, Clerk *pro tem.*

ATLANTA, Monday, January 24, 1870.

The House was called to order at 12 o'clock M. by Hon. A. L. Harris, Clerk *pro tem.*

The proceedings were opened with prayer by Rev. C. W Francis.

The Clerk *pro tem.* directed the reading of the following order :

“ATLANTA, GA., January 24, 1870.

“Pending a decision into the right of certain persons to hold seats in the House of Representatives under the reconstruction acts, whose cases have been before a board of officers, and that qualified members who are absent from the city and not expecting an organization to-day may have an opportunity to be present, it is ordered :

“That the Clerk *pro tem.*, after making announcement and giving ample time for such persons as desire so to do, to take the oaths prescribed in the ‘Act to Promote the Reconstruction of the State of Georgia,’ shall declare a

recess until Tuesday, January 25, at 10 o'clock A. M., at which time, it is believed, that the House will be prepared to enter upon the election of its officers.

“(Signed)

RUFUS B. BULLOCK,
“Provisional Governor.”

“HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
ATLANTA, GA., January 24, 1870.

“Pending a decision upon the qualifications of certain persons who are alleged to be ineligible to seats in the House under the reconstruction acts, and for the other reasons set forth, I approve of the foregoing order.

“(Signed)

ALFRED H. TERRY,
“Brevet Major-General Commanding.”

The Clerk *pro tem.* announced that any who had not taken the oaths would now have an opportunity of doing so.

Whereupon the following presented themselves:

COUNTY.	NAME.	REMARKS.
Twiggs	H. Hughes.	Sworn.
Pierce	R. W. Carpenter	Sworn.

The Clerk *pro tem.* announced that the House would take a recess until Tuesday, January 25, at 10 o'clock A. M.

Whereupon the House took a recess at 12:30 P. M.

Correct:

A. L. HARRIS, Clerk *pro tem.*

AFTERNOON SESSION.

ATLANTA, Tuesday, January 25, 1870.

The House was called to order at 3 o'clock P. M. by Hon. A. L. Harris, Clerk *pro tem.*

The Clerk *pro tem.* directed the reading of the following order:

“ATLANTA, GA., January 25, 1870.

“Upon the expiration of the recess to-day at 3 o'clock, it is ordered :

“That the Clerk *pro tem.* declare a recess until 10 o'clock A. M., Wednesday the 26th instant, at which time an election for Speaker will take place.

“(Signed)

RUFUS B. BULLOCK,

“Provisional Governor.”

—

“HEADQUARTERS MILITARY DISTRICT OF GEORGIA,

“ATLANTA, GA., January 25, 1870.

“The postponement ordered is made solely for the purpose of enabling the necessary orders consequent upon the proceedings of the Board, convened by General Orders No. 3, from these Headquarters, to be prepared. These orders will be ready by to-morrow morning, and no further delay will take place.

“(Signed)

ALFRED H. TERRY,

“Brevet Major-General Commanding.”

The Clerk *pro tem.* announced that the House would take a recess until Wednesday, 26th instant, at 10 o'clock A. M.

Whereupon the House took a recess at 3:05 P. M.

Correct :

A. L. HARRIS, Clerk *pro tem.*

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—

MORNING SESSION.

ATLANTA, Tuesday, January 25, 1870.

The House was called to order at 10 o'clock A. M. by Hon. A. L. Harris, Clerk *pro tem.*

The proceedings were opened with prayer by Rev. C. W. Francis.

The Clerk *pro tem.* directed the reading of the following order :

“ ATLANTA, GA., January 25, 1870.

“ Pending a decision into the right of certain persons to hold seats in the House of Representatives under the reconstruction acts, whose cases have been before a board of officers, it is ordered :

That the Clerk *pro tem.* shall declare a recess until 3 o'clock P. M. to-day.

“(Signed)

RUFUS B. BULLOCK,
“ Provisional Governor.”

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
ATLANTA, GA., January 25, 1870.

“ Pending a decision upon the qualifications of certain persons who are alleged to be ineligible to seats in the House under the reconstruction acts, I approve of the foregoing order.

“(Signed)

ALFRED H. TERRY,
“ Brevet Major-General Commanding.”

The Clerk *pro tem.* announced that the House would take a recess until 3 o'clock P. M.

Whereupon the House took a recess at 10:10 A. M.

A correct transcript:

A. L. HARRIS,
Clerk *pro tem.*

ATLANTA, Wednesday, January 26, 1870.

The House was called to order by Hon. A. L. Harris, Clerk *pro tem.*, at 10 o'clock A. M.

The proceedings were opened with prayer by Rev. C. W. Francis.

The Clerk *pro tem.* directed the reading of the following order from his Excellency the Provisional Governor.

“ATLANTA, GA., January 26, 1870.

“On the expiration of the recess this morning at 10 o'clock, it is ordered that the Clerk *pro tem.* will read General Orders No. 9 and No. 10, and after compliance therewith, proceed to the election of a Speaker *viva voce.*

“(Signed)

RUFUS B. BULLOCK,

“Provisional Governor.”

The Clerk *pro tem.* directed the reading of the following General Orders of the Major General Commanding :

“HEADQUARTERS MILITARY DISTRICT OF GEORGIA,

“ATLANTA, GA., January 25, 1870.

“General Orders, No. 9.

“WHEREAS, The board convened by General Orders No. 3, current series from these headquarters, consisting of Brevet Major-General T. H. Ruger, Colonel 18th U. S. Infantry, Brevet Brigadier-General T. J. Haines, Commissary of Subsistence, and Major Henry Goodfellow, Judge Advocate United States Army, has made its report in writing, by which it appears that R. A. Donaldson, of Gordon county, E. M. Taliaferro, of Fulton county, and J. H. Nunn, of Glascock county, members elect of the House of Representatives of Georgia, are not eligible to seats therein under the laws of the United State; therefore it is hereby ordered that the said R. A. Donaldson, E. M. Taliaferro and J. H. Nunn, be, and they hereby are, prohibited from taking part in the organization of said House, or from attempting to exercise the functions of a member thereof.

“AND WHEREAS, The said board have found that Thomas F. Rainey, of Schley county, J. N. Harris, of Murray county, R. W. Phillips, of Echols county, L. C. A. Warren, of Quitman county, Joseph D. Smith, of Ware county, W. P. Price, of Lumpkin county, J. B. Sorrells, of Walton county, G. N. Harper, of Sumter county, C. C. Humber, of Stewart county, L. H. Walthall, of Polk county, and Isham Raddish, of Appling county, are eligible to seats in the said House under the laws of the United States, no

objections will be made to their participating as members in the organization of the House ;

“AND WHEREAS, It appears that Frank Wilchar, of Taylor county, has, since the commencement of the session of the board, been, and is now reported to be absent from the city, so that the board has not been able to determine in his case: it is therefore ordered that the said board still hold his case under consideration, and that in the meantime, and until his case be heard and determined, said Wilchar be prohibited from taking part in the organization or participating in the proceedings of the House ;

“AND WHEREAS, J. B. Burtz, of Mitchell county, J. A. Brinson, of Emanuel county, A. T. Bennett, of Jackson county, A. M. George, of Baker county, David Goff, of Randolph county, William J. Hudson, of Harris county, D. Johnson, of Wilcox county, Henry C. Kellogg, of Forsyth county, J. W. Meadows, of Johnson county, J. H. Penland, of Union county, Robert C. Surrency, of Tatnall county, J. R. Smith, of Coffee county, Hiram Williams, of Dooly county, John C. Drake, of Upson county, J. T. Ellis, of Spalding county, J. M. Rouse, of Worth county, persons elected to said House have refused, declined, neglected, or been unable to take one of the oaths prescribed by the act of December 22, 1869, although ample opportunity so to do has been given them, and have thus by the terms of said act become ineligible to seats in said House, and have also filed with the Hon. R. B. Bullock, Governor, their applications to the Congress of the United States for relief from their disabilities, thus admitting their ineligibility to hold the offices to which they were elected : It is therefore ordered, that the said persons be, and they hereby are prohibited from taking seats in said House or participating in the organization or proceedings thereof.

“By order of Brevet Major-General Terry.

J. H. TAYLOR,

“Official : Assistant Adjutant-General.

“J. H. TAYLOR, A. A. G.”

The Clerk *pro tem.* directed the reading of the following general orders of the Major-General commanding :

“ HEADQUARTERS DISTRICT OF GEORGIA,

“ ATLANTA, GA., January 25, 1870.

“ *General Orders, No. 10.*

“ At the meeting of the House of Representatives at 10 o'clock to-morrow, Wednesday, the 26th instant, the Clerk *pro tem.*, Hon. A. L. Harris, will call the House to order and give to any member elect, who has not already qualified, an opportunity to take one of the oaths prescribed by the act of December 22, 1869. He will not, however, permit those persons to take the oath who are mentioned in General Orders, No. 9, current series from these headquarters, as having refused, declined, neglected or been unable to take one of the said oaths, and as having filed their applications to be relieved from their disabilities.

“ After such opportunity has been given, the Clerk *pro tem.* will announce that the first business in order is the election of a Speaker, and will proceed to an election in the usual manner, omitting in calling the roll the names of R. A. Donaldson, of Gordon county, E. M. Taliaferro, of Fulton county, J. H. Nunn, of Glascock county, Frank Wilchar, of Taylor county, J. B. Burtz, of Mitchell county, J. A. Brinson, of Emanuel county, A. T. Bennett, of Jackson county, A. M. George, of Baker county, David Goff, of Randolph county, William J. Hudson, of Harris county, D. Johnson, of Wilcox county, Henry C. Kellogg, of Forsyth county, J. W. Meadows, of Johnson county, J. H. Penland of Union county, Robert C. Surrency, of Tatnall county, J. R. Smith, of Coffee county, Hiram Williams, of Dooly county, John C. Drake, of Upson county, J. T. Ellis, of Spalding county, and J. M. Rouse, of Worth county.

“ During the election, the Clerk *pro tem.* will preside. As soon as a Speaker shall have been chosen, the Clerk *pro tem.* will vacate the chair.

“ By order of Brevet Major-General Terry.

J. H. TAYLOR,

“ Official:

Assistant Adjutant-General.

“ J. H. TAYLOR, A. A. G.”

The Clerk *pro tem.* announced that any gentleman, not prohibited by foregoing orders, could have an opportunity of taking the oaths.

The Clerk *pro tem.* announced that the House would proceed *viva voce* to the election of a Speaker.

Hons. J. E. Bryant and R. L. McWhorter were placed in nomination.

A ballot was had which resulted as follows :

Those voting for Hon. R. L. McWhorter were—

J. W. Atkins,	W. H. F. Hall,	P. O'Neal,
T. W. Allen,	W. H. Harrison,	S. C. Prudden,
James Allen,	H. Hughes,	J. Porter,
J. M. Buchan,	J. F. Harden,	G. F. Page,
M. Bethune,	C. H. Hooks,	R. M. Parks,
E. Belcher,	W. S. Houston,	J. L. Perkins,
E. Barnes,	J. Higdon,	A. R. Reid,
T. P. Beard,	A. Haren,	A. Richardson,
J. Cunningham,	J. A. Harrison,	J. M. Rice,
R. W. Carpenter,	G. W. Johnson,	I. Raddish,
W. C. Carson,	P. Joiner,	F. M. Smith,
M. Claiborne,	A. H. Lee,	P. Sewell,
A. Colby,	G. Lastinger,	S. T. Strickland,
J. T. Costin,	W. A. Lane,	J. M. Simms,
G. H. Clowers,	George Linder,	Alex. Stone,
T. G. Campbell, jr.,	S. Lindsey,	S. F. Saulter,
S. A. Darnell,	J. A. Madden,	A. Smith,
M. Davis,	R. Moore,	J. D. Smith,
J. M. Ellis,	J. A. Maxwell,	E. Tweedy,
J. R. Evans,	J. G. Maull,	H. M. Turner,
J. Fitzpatrick,	P. Madison,	W. W. Watkins,
J. E. J. Franks,	J. J. McArthur,	J. Warren,
Monday Floyd,	J. T. McCormick,	S. Williams,
W. A. Golden,	John Neal,	W. N. Williams,
S. Gardner,	J. W. O'Neal,	W. S. Zellars—76.
V. Hillyer,		

Those voting for Hon. J. E. Bryant were :

W. B. Anderson,	A. E. Cloud,	H. R. Felder,
R. Bradford,	W. H. Clark,	W. B. Gray,
J. K. Barnum,	J. H. Caldwell,	J. E. Gullatt,
E. Ballanger,	C. C. Duncan,	N. N. Gober,
W. G. Brown,	F. M. Ford,	W. F. Holden,
J. A. Cobb,	A. S. Fowler,	T. M. Harkness,
C. C. Cleghorn,	McK. Fincannon,	R. B. Hall,

W. D. Hamilton,	C. K. Osgood,	R. A. Seals,
G. N. Harper,	N. J. Perkins,	M. Shackelford,
F. M. Harper,	F. L. Pepper,	D. Scott,
C. C. Humber,	Thomas Paulk,	F. M. Scroggins,
W. M. Hall,	W. P. Price,	N. O. Tate,
J. M. Harris,	Thomas F. Raney,	R. A. Turnipseed,
C. H. Kytle,	G. S. Rosser,	W. G. Vinson,
W. A. McDougald,	G. W. Rumph,	L. H. Walthall,
J. W. Matthews,	J. B. Sorrells,	L. C. A. Warren,
Louis Nash,	I. E. Shumate,	A. J. Williams—52.
J. C. Nesbitt,		

Messrs. W. S. Erwin, M. Rawls, W. M. Tulin, and D. Welch voted for Hon. W. P. Price—4.

Mr. V. P. Sisson voted for John Smith—1.

The Clerk *pro tem.* announced that the whole number of votes cast were 133—necessary to a choice, 67.

Mr. R. L. McWhorter received 76 votes; Mr. J. E. Bryant 52 votes; Mr. W. P. Price received 4 votes, and John Smith received one vote.

Speaker R. L. McWhorter having received a majority of all the votes cast was declared duly elected Speaker of the House of Representatives, by the Clerk *pro tem.*

The Clerk *pro tem.* appointed Messrs. J. E. Bryant and D. Scott a committee to conduct the Speaker elect to the chair.

Speaker R. L. McWhorter was conducted to the chair by the committee—Hon. A. L. Harris, Clerk *pro tem.*, retiring.

The Speaker addressed the House, when, on motion of Mr. E. Tweedy, the House adjourned until 10 o'clock, Thursday morning, January 27.

Correct: A. L. HARRIS, Clerk *pro tem.*

MORNING SESSION.

ATLANTA, Thursday, January 27, 1870.

The House was called to order by Hon. R. L. McWhorter, Speaker, at 10 o'clock A. M.

The proceedings were opened with prayer by Rev. C. W. Francis.

The Speaker directed the reading of the following communication from his Excellency the Provisional Governor:

“Hon. R. L. McWhorter, Speaker:

“The following named persons have applied to the General commanding this district to be awarded the seats in the House to which they were elected, by reason of the fact that the persons heretofore claiming to have been elected, were disqualified and could not therefore have been elected.

“The Commanding General is decided in his opinion that the person who received the number of votes next highest to the candidate disqualified—being himself disqualified—is legally entitled to the seat. The Commanding General, however, evincing a due regard for your honorable body, as organized, prefers that such persons should be promptly admitted to their rights and privileges in the House by the act of the House itself, rather than to exercise in the premises any authority vested in him as District Commander.

“Therefore, moved by the desire which I am sure actuates all good citizens, that our present effort to promote reconstruction shall be so successful as to secure complete approval from the authorities of the General Government, and our consequent early admission into the family of States, I embrace this opportunity to communicate information of the state of the Commonwealth, and recommend to your consideration measures deemed necessary and expedient by presenting the names of W. L. Goodwin, of Cass county, James R. Thomasson, of Carroll county, William Guilford, of Upson county, James H. Jackson, of Randolph county, Jacob P. Hutchings, of Jones county, Henry C. Holcomb, of Fulton county, C. O. Johnson, of Spalding county, Joseph Armstrong, of Dooly county, and J. B. Nesbit, of Gordon county, who were legally elected, and are prepared to take the oath required by the act of Congress of December 22, 1869; and to respectfully re-

commend that the said persons be permitted to take the oath and their seats at once.

“RUFUS B. BULLOCK,
“Provisional Governor.”

Mr. Bryant of Richmond opposed the admission of these persons who received the next highest number of votes in place of those members who had acknowledged their ineligibility.

The Speaker announced that his ruling was that a plurality elects, and that the persons receiving the next highest number of votes to a member declared or acknowledging his ineligibility was entitled to the seat.

Mr. Shumate, of Whitfield, appealed from the decision of the Speaker.

On the appeal the Speaker was not sustained.

Those voting in the affirmative were Messrs.—

Adkins,	Golden,	O'Neal of Baldwin,
Allen of Jasper,	Gardner,	Prudden,
Allen of Hart,	Hillyer,	Porter,
Buchan,	Harrison of Hancock,	Page,
Belcher,	Hall of Meriwether,	Perkins of Dawson,
Barns,	Hughes,	Reid,
Beard,	Hooks,	Richardson.
Cunningham,	Houston,	Rice,
Carson,	Haren,	Smith of Charlton,
Claiborne,	Johnson,	Smith of Muscogee,
Colby,	Joiner,	Strickland,
Costin,	Lee,	Simms,
Clower,	Lastinger,	Stone,
Campbell,	Linder,	Saulter,
Darnell,	Madden,	Tweedy,
Davis,	Moore,	Turner,
Ellis,	Maxwell,	Watkins,
Evans,	Maull,	Warren of Burke,
Fitzpatrick,	Madison,	Williams of Harris,
Franks,	McCormick,	Williams of Haralson,
Floyd,	O'Neal of Lowndes,	Zellers.

Those voting in the negative were Messrs.—

Bethune,	Brown,	Cloud,
Bradford,	Bryant,	Clark,
Barnum,	Cobb,	Caldwell,
Ballanger,	Cleghorn,	Duncan,

Erwin,	Harris,	Rawls,
Ford,	Kytle,	Smith of Ware,
Fowler,	McArthur,	Sorrells,
Fincannon,	Matthews,	Sisson,
Felder,	Neal,	Shumate,
Gray,	Nash,	Seale,
Gullatt,	Nesbit,	Shackleford,
Hall of Bullock,	Osgood,	Scott,
Hall of Glynn,	Parks,	Scroggins,
Holden,	Phillips,	Tumlin,
Higdon,	Perkins of Cherokee,	Tate,
Harkness,	Pepper,	Turnipseed,
Harrison of Franklin,	Paulk,	Vinson,
Hamilton,	Price,	Williams of Morgan,
Harper of Sumter,	Reddish,	Walthall,
Harper of Terrell,	Rainey,	Warren of Quitman,
Humber,	Rosser,	Welchel.
Hook,	Rumph,	

Mr. Tweedy of Richmond moved that the House adjourn.

The yeas and nays were called for.

Those voting in the affirmative were Messrs.—

Atkins,	Golden,	O'Neal of Baldwin,
Allen of Hart,	Gardner,	Porter,
Allen of Jasper,	Hillyer,	Page,
Buchan,	Harrison of Hancock,	Perkins of Dawson,
Belcher,	Hall of Meriwether,	Reid,
Barnes,	Hughes,	Richardson,
Beard,	Hooks,	Rice,
Cunningham,	Houston,	Smith of Charlton,
Carson,	Haren,	Smith of Muscogee,
Claiborne,	Johnson,	Strickland,
Colby,	Joiner,	Simms,
Costin,	Lee,	Stone,
Clower,	Lane,	Saulter,
Campbell,	Lindsey,	Tweedy,
Darnell,	Linder,	Turner,
Davis,	Madden,	Watkins,
Ellis,	Moore,	Warren of Burke,
Evans,	Maul,	Williams of Harris, *
Fitzpatrick,	Madison,	Williams of Haralson,
Franks,	McCormick,	Zellars.
Floyd,	O'Neal of Lowndes,	

Those voting in the negative were Messrs.—

Bethune,	Harrison of Franklin,	Rainey,
Barnum,	Hamilton,	Rosser,
Ballanger,	Harper of Sumter,	Rumph,
Brown,	Harper of Terrell,	Rawles,
Bryant,	Humber,	Smith of Ware,
Cobb,	Hook,	Sewell,
Cleghorn,	Harris,	Sorrells,
Cloud,	Kyle,	Sisson,
Clark,	McArthur,	Shumate,
Caldwell,	Matthews,	Seale,
Duncan,	Nash,	Shackleford,
Erwin,	Nesbitt,	Scott,
Ford,	Osgood,	Scroggins,
Fowler,	Prudden,	Tumlin,
Fincannon,	Parks,	Tate,
Felder,	Phillips,	Turnipseed,
Gray,	Perkins of Cherokee,	Vinson,
Gullatt,	Pepper,	Williams of Morgan,
Hall of Bulloch,	Paulk,	Walthall,
Hall of Glynn,	Price,	Warren of Quitman,
Higdon,	Reddish,	Welchel.
Harkness,		

Motion to adjourn was lost.

Mr. Watkins of Colquit moved that the House take a recess until 3 o'clock P. M.

Mr. Scott of Floyd called for the yeas and nays.

Those voting in the affirmative were Messrs.—

Atkins,	Darnell,	Johnson,
Allen of Jasper,	Davis,	Joiner,
Allen of Hart,	Ellis,	Lee,
Buchan,	Evans,	Lane,
Bethune,	Fitzpatrick,	Linder,
Belcher,	Franks,	Lindsey,
Barnes,	Floyd,	Madden,
Bradford,	Golden,	Moore,
Beard,	Gardner,	Maxwell,
Cunningham,	Hillyer,	Maul,
Carson,	Harrison of Hancock,	Madison,
Claiborne,	Hall of Merriwether,	McCormick,
Colby,	Hughes,	O'Neal of Lowndes,
Costin,	Hooks,	O'Neal of Baldwin,
Clower,	Houston,	Porter,
Campbell,	Haren,	Page,

Perkins of Dawson,	Strickland,	Watkins,
Reid,	Simms,	Warren of Burke,
Richardson,	Stone,	Williams of Harris,
Rice,	Saulter,	Williams of Harralson,
Smith of Charlton,	Tweedy,	Zellars.
Smith of Muscogee,	Turner,	

Those voting in the negative were Messrs.—

Barnum,	Harrison of Franklin,	Rainey,
Ballenger,	Hamilton,	Rosser,
Brown,	Harper of Sumter,	Rumph,
Bryant,	Harper of Terrell,	Rawles,
Cobb,	Humber,	Smith of Ware,
Cleghorn,	Hook,	Sewell,
Cloud,	Harris,	Sorrells,
Clark,	Kytile,	Sisson,
Caldwell,	McArthur,	Shumate,
Duncan,	Matthews,	Seale,
Erwin,	Nash,	Shackleford,
Ford,	Nesbitt,	Scott,
Fowler,	Osgood,	Scroggins,
Fincannon,	Prudden,	Tumlin,
Felder,	Parks,	Tate,
Gray,	Phillips,	Turnipseed,
Gullatt,	Perkins of Cherokee,	Vinson,
Hall of Bulloch,	Pepper,	Williams of Morgan,
Hall of Glynn,	Paulk,	Walthall,
Higdon,	Price,	Warren of Quitman,
Harkness,	Reddish,	Welchel.

The motion to take a recess prevailed; whereupon the House took a recess at 12.30 P. M.

AFTERNOON SESSION.

The House was called to order at 3 o'clock P. M., by Hon. R. L. McWhorter, Speaker.

Mr. Lane of Brooks requested the reading for the information of the House of the communication from his Excellency the Provisional Governor.

The request was not granted.

On motion of Mr. Bryant of Richmond the House adjourned until 12 o'clock, Friday, January 28.

ATLANTA, Friday, January 28, 1870.

The House was called to order at 12 o'clock m. by the Speaker.

The proceedings were opened with prayer by Rev. C. W. Francis.

The Speaker directed the reading of the following communication from his Excellency the Provisional Governor, to Brevet Major-General Alfred H. Terry, District Commander, and the reply thereto:

ATLANTA, GEORGIA, January 28, 1870.

"Brevet Major-General Alfred H. Terry, Commanding District Georgia:

"GENERAL—Although the communication addressed by myself on yesterday to the Speaker of the House, was previously submitted to you, it did not carry with it your formal approval. This fact is made use of by designing persons to effect a disregard of it.

"I will be obliged if you will correct that false impression.

"I am, General, very respectfully, your obedient servant,
(Signed)

"RUFUS B. BULLOCK,
"Provisional Governor."

—

ATLANTA, Ga., January 28, 1870.

"Governor R. B. Bullock, Atlanta:

"GOVERNOR—The communication sent by you to the House of Representatives yesterday, was submitted to, and approved by, me.

"Very respectfully, your obedient servant,
(Signed)

"ALFRED H. TERRY,
"Brevet Major-General Commanding."

Mr. O'Neal of Lowndes moved a reconsideration of the vote taken on yesterday, on the appeal from the decision of the Speaker, relating to the communication from his Excellency the Provisional Governor.

Mr. Darnell of Pickens moved the previous question on the motion of Mr. O'Neal of Lowndes.

Mr. Shumate called for the yeas and nays on the motion of Mr. Darnell calling for the previous question.

Those voting in the affirmative were Messrs.—

Atkins,	Golden,	O'Neal of Lowndes,
Allen of Jasper,	Gardner,	O'Neal of Baldwin,
Allen of Hart,	Hillyer,	Prudden,
Buchan,	Harrison of Hancock,	Porter,
Bethune,	Hall of Merriwether,	Page,
Belcher,	Hughes,	Perkins of Dawson,
Barnes,	Hooks,	Reid,
Bradford,	Houston,	Richardson,
Beard,	Higdon,	Rice,
Cunningham,	Haren,	Smith of Charlton,
Carson,	Johnson,	Smith of Muscogee,
Claiborne,	Joiner,	Sewell,
Colby,	Lee,	Strickland,
Costin,	Lastinger,	Simms,
Clower,	Lane,	Saulter,
Campbell,	Linder,	Tweedy,
Darnell,	Lindsey,	Turner,
Davis,	Madden,	Watkins,
Ellis,	Moore,	Warren of Burke,
Evans,	Maxwell,	Williams of Harris,
Fitzpatrick,	Maul,	Williams of Haralson,
Franks,	Madison,	Zellars.
Floyd,	McCormick,	

Those voting in the negative were Messrs.—

Anderson,	Harkness,	Price,
Barnum,	Harrison of Franklin,	Reddish,
Ballanger,	Harper of Sumter,	Rainey,
Brown,	Harper of Terrell,	Rosser,
Cobb,	Humber,	Rumph,
Cleghorn,	Hook,	Rawles,
Cloud,	Harris,	Sorrells,
Clark,	Kyle,	Sisson,
Caldwell,	McArthur,	Shumate,
Duncan,	Matthews,	Scott,
Erwin,	Neal,	Scroggins,
Ford,	Nash,	Tumlin,
Fowler,	Nisbet,	Tate,
Fincannon,	Osgood,	Turnipseed,
Felder,	Parks,	Vinson,
Gray,	Phillips,	Williams of Morgan,
Gullatt,	Perkins of Cherokee,	Walthall,
Gober,	Pepper,	Warren of Quitman,
Hall of Bulloch,	Paulk,	Welchel.
Hall of Glynn,		

There are ayes 68.

There are nays 58.

So the call for the previous question was sustained.

Mr. Tweedy of Richmond offered the following resolution:

WHEREAS, His Excellency the Provisional Governor has communicated to this body the decision of the Commanding General;

AND WHEREAS, The Commanding General has displayed the courtesy of giving this body the opportunity to show its willingness to comply with the laws;

Now therefore be it resolved, That the members named in the communication of his Excellency the Provisional Governor, be qualified by now taking the oath of office.

Upon the adoption of which Mr. Scott of Floyd called for the yeas and nays, which was sustained, and resulted in yeas 66; nays 56.

Those voting in the affirmative were Messrs.—

Atkins,	Golden,	McCormick,
Allen of Jasper,	Gardner,	O'Neal of Lowndes,
Allen of Hart,	Hillyer.	O'Neal of Baldwin,
Buchan,	Harrison of Hancock,	Prudden,
Belcher,	Hall of Meriwether,	Porter,
Barnes,	Hughes,	Page,
Bradford,	Higdon,	Perkins of Dawson,
Beard,	Hooks,	Reid,
Cunningham,	Houston,	Richardson,
Carson,	Haren,	Rice,
Claiborne,	Johnson,	Smith of Charlton,
Colby,	Joiner,	Smith of Muscogee,
Costin,	Lee,	Sewell,
Clover,	Lastinger,	Strickland,
Campbell,	Lane,	Simms,
Darnell,	Linder,	Saulter,
Davis,	Lindsey,	Tweedy,
Ellis,	Madden,	Turner,
Evans,	Moore,	Watkins,
Fitzpatrick,	Maxwell,	Warren of Burke,
Franks,	Maull,	Williams of Harris,
Floyd,	Madison,	Zellers.

Those voting in the negative were Messrs.—

Anderson,	Harkness,	Reddish,
Barnum,	Harrison of Franklin,	Rainey,
Ballanger,	Hamilton,	Rosser,
Brown,	Harper of Sumter,	Rumph,
Cobb,	Harper of Terrell,	Rawls,
Cleghorn,	Humber,	Sorrells,
Cloud,	Hook,	Sisson,
Clark,	Harris,	Shumate,
Caldwell,	Kyle,	Scott,
Duncan,	McArthur,	Scroggins,
Erwin,	Matthews,	Tumlin,
Fowler,	Nash,	Tate,
Fincannon,	Nisbet,	Turnipseed,
Felder,	Osgood,	Vinson,
Gray,	Parks,	Williams of Morgan,
Gullatt,	Phillips,	Walthal,
Gober,	Perkins of Cherokee,	Warren of Quitman,
Hall of Bullock,	Paulk,	Welchel.
Hall of Glynn,	Price,	

The following persons presented themselves and were duly qualified as members of the House of Representatives:

W. L. Goodwin of Cass county; J. R. Thomason of Carroll county; Wm. Guilford of Upson county; Jas. A. Jackson of Randolph county; J. P. Hutchings of Jones county; H. C. Holcombe of Fulton county; Charles O. Johnson of Spalding county; Jas. Armstrong of Dooly county; J. B. Nesbit of Gordon county.

The House proceeded to the election of a Clerk, the members voting *viva voce*, and on receiving and adding up the votes it appeared that J. J. Newton, of the county of Glynn, having received a majority of the whole number of votes polled, was declared duly elected Clerk.

The House proceeded to the election of a Messenger, the members voting *viva voce*, and on receiving and adding up the vote it appeared that Moses H. Bentley, of the county of Chatham, was duly elected Messenger.

The House proceeded to the election of Doorkeeper, the members voting *viva voce*, and on receiving and adding up the vote, it appeared that R. F. Lineberger, of the county of Lowdes, was duly elected Doorkeeper.

Leave of absence was granted Mr. Harper of Sumter; Mr. Tumlin of Randolph; and Mr. Shackelford of Heard.

On motion of Mr. Harper of Terrell, the House adjourned until 10 o'clock, A. M., to-morrow.

SATURDAY, January 29, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, and was opened with prayer by the Rev. C. W. Francis.

On motion of Mr. Rice of Columbia the calling of the roll was dispensed with.

Journal of yesterday read and approved.

Mr. Scott of Floyd moved that the Journal of yesterday be corrected, so as to insert therein a notice given by him to reconsider the action of the House upon the resolution of Mr. Tweedy of Richmond, which motion the Chair refused to entertain.

Mr. Bethune of Talbot moved to defer the election of Speaker *pro tem.*, which motion was withdrawn.

Mr. Carson offered a resolution to the effect that information be given to the Senate that the House is now organized and ready to proceed to business, which resolution was adopted.

Mr. Smith of Charlton offered a resolution that a committee be appointed to wait upon the clergy of this city to procure a chaplain for the use of the House; which resolution was adopted, and the Chair appointed Messrs. Smith of Charlton Golden of Liberty, and P. Illips of Echols, as the committee under said resolution.

Mr. O'Neal of Lowndes offered a joint resolution that a committee be appointed to wait upon his Excellency the Governor, and inform him that the General Assembly is now organized and ready to proceed to business, which resolution was adopted, and the Chair appointed Messrs. O'Neal of Lowndes, Harper of Sumter, Harrison of Franklin, Costin of Talbot, and Harrison of Hancock, as the committee under said resolution.

Mr. Harrison of Hancock offered a resolution that the front part of the gallery be appropriated to the ladies; which resolution was adopted.

Mr. Lane of Brooks offered a resolution that a committee of three be appointed to prepare rules for the government of the House; which resolution was adopted, and the Chair announced as the committee under said resolution Messrs. Lane of Brooks, Phillips of Echols, and O'Neal of Lowndes.

Mr. Nisbet of Dade offered a resolution that that portion of the State of Tennessee in which the Western & Atlantic Railroad is situated be annexed to this State, and suggesting the manner in which said portion shall be annexed.

Mr. Fitzpatrick of Bibb moved to lay said resolution upon the table; which motion was withdrawn.

Mr. O'Neal of Lowndes moved to adjourn until Monday, 10 o'clock, A. M.

Mr. Scott of Floyd called for the yeas and nays upon Mr. O'Neal's motion. The call was sustained.

Those voting in the affirmative are Messrs.—

Atkins,	Davis,	Jackson,
Allen of Jasper,	Franks,	Lindsey,
Armstrong,	Floyd,	Madden,
Buchan,	Ford,	Mauil,
Belcher,	Golden,	McCormick,
Barnes,	Gardner,	Nesbit of Gordon,
Beard,	Guilford,	O'Neal of Lowndes,
Bryant,	Harrison of Hancock,	Porter,
Cunningham,	Hutchings,	Pepper,
Colby,	Houston,	Smith of Muscogee,
Costin,	Hamilton,	Saulter,
Clowers,	Harper of Terrell,	Tweedy,
Campbell,	Johnson of Spalding,	Williams of Harris.
Caldwell,		

Those voting in the negative are Messrs.—

Allen of Hart,	Ballanger,	Cleghorn,
Anderson,	Brown,	Cloud,
Bethune,	Carson,	Clark,
Bradford,	Claiborne,	Darnell,
Barnum,	Cobb,	Duncan,

Ellis,	Kyle,	Rawles,
Evans,	Lee,	Smith of Charlton,
Erwin,	Lastinger,	Strickland,
Fitzpatrick,	Lane,	Simms,
Fowler,	Linder,	Sorrells,
Fincannon,	Maxwell,	Sisson,
Felder,	McArthur,	Shumate,
Goodwin,	Neal,	Seale,
Gray,	Nash,	Scott,
Gullatt,	O'Neal of Baldwin,	Thomason,
Hillyer,	Prudden,	Turner,
Holcombe,	Parks,	Tumlin,
Hall of Bulloch,	Phillips,	Tate,
Hall of Glynn,	Perkins of Dawson,	Turnipseed,
Hughes,	Perkins of Cherokee,	Vinson,
Holden,	Paulk,	Watkins,
Higdon,	Price,	Warren of Burke,
Haren,	Reid,	Williams of Haralson.
Harkness,	Rice,	Williams of Morgan,
Harrison of Franklin,	Reddish,	Walthall,
Hook,	Rainey,	Warren of Quitman,
Harris,	Rosser,	Zellars.
Johnson of Towns,	Rumph,	

There are ayes 40.

There are nays 83.

So the motion to adjourn was lost.

The following message was received from the Senate, through Mr. Mills, the Secretary thereof :

“ *Mr. Speaker :*

“The Senate have elected the Honor ble John Harris, of the county of Newton, as their President *pro tempore*.”

Mr. Phillips of Echols offered a resolution that the members retain their present seats in this House.

Mr. Fitzpatrick of Bibb offered as a substitute for Mr. Phillips' resolution, that the House proceed to the selection of seats according to the usual custom.

The vote being taken upon Mr. Fitzpatrick's substitute it was not adopted.

The question then recurred upon Mr. Phillips' resolution, which was adopted.

Leave of absence was granted to Messrs. Thomason of Carroll, and Evans of Thomas, for a few days on special business; also, to Mr. Page of Lee for a few days on account of sickness in his family.

On motion of Mr. Lee of Newton the House adjourned until Monday, 10 o'clock A. M.

MONDAY, January 31, 1870.

10 o'clock A. M.

The House met pursuant to adjournment and was opened with prayer by the Rev. C. W. Francis.

On motion the calling of the roll was dispensed with.

Journal read and approved.

Mr. Bryant of Richmond offered, against the action and organization of the House, a protest, which he requested be placed on file and entered on the Journal of the House. Pending the consideration of which—

The following message was received from the Senate through Mr. Mills, the Secretary :

Mr. Speaker :

I am directed by the Senate to inform the House of Representatives that the Senate has been organized by the election of Hon. Benjamin Conley, Senator elect from the Eighteenth Senatorial district, as President, and J. G. W. Mills, of the county of Fulton, as Secretary, and is now ready to proceed to business.

I am also directed by the Senate to inform the House that a committee, consisting of Messrs. Speer, Campbell and Wooten, have been appointed by the Senate, to join such committee as may be appointed by the House of Representatives, to wait upon his Excellency Hon. R. B. Bullock, the Governor, and inform him that both branches of the General Assembly are now organized and will be pleased to receive any communication he may think proper to make, and I am directed by the Senate to transmit the same forthwith to the House of Representatives.

The House resumed the consideration of Mr. Bryant's protest.

Mr. O'Neal of Lowndes moved that said protest be indefinitely postponed.

Mr. Bryant of Richmond requested that a telegram from Senator Edmunds, of Congress, be read; which request, upon objection, was refused.

Pending the discussion of Mr. Bryant's protest, Mr. O'Neal, from the committee of the House, appointed to join a similar committee from the Senate, made the following report, to wit:

Mr. Speaker:

As chairman of the committee of this House appointed to join a similar committee from the Senate, to notify the Provisional Governor that the two Houses had reached an organization by the election of officers thereof, I have the honor to report the performance of that duty, to which his Excellency replied as follows:

Mr. Chairman and Gentlemen of the Committee:

I am gratified to know that you have reached an organization by the election of officers of the two Houses. I will communicate the information to the General Commanding. A communication will be transmitted to your honorable bodies on Wednesday next, at 12 o'clock."

After the reading of which report and communication, Mr. O'Neal of Lowndes moved that the House adjourn until Wednesday next, 12 o'clock M.

Mr. Scott of Floyd called for the yeas and nays upon said motion; which call was sustained.

Those voting in the affirmative are Messrs.—

Atkins,	Cunningham,	Floyd,
Allen of Jasper,	Carson,	Gardner,
Allen of Hart,	Colby,	Guilford,
Armstrong,	Costin,	Goodwin,
Bell,	Clower,	Hillyer,
Barnes,	Campbell	Holcombe,
Beard,	Ellis,	Harrison of Hancock,

Hall of Meriwether,	Lindsey,	Richardson,
Hughes,	Madden,	Rice,
Hutchings,	Moore,	Smith of Muscogee,
Houston,	Maull,	Strickland,
Haren,	McCormick,	Saulter,
Johnson of Towns,	Nesbit of Gordon,	Tumlin,
Johnson of Spalding,	O'Neal of Lowndes,	Warren of Burke,
Joiner,	O'Neal of Baldwin,	Williams of Harris,
Jackson,	Porter,	Williams of Haralson,
Lastinger,	Perkins of Dawson,	Zellers.
Linder,	Reid,	

Those voting in the negative are Messrs.—

Anderson,	Hall of Bulloch,	Price,
Bethune,	Higdon,	Reddish,
Bradford,	Harkness,	Rainey,
Barnum,	Harrison of Franklin,	Rumph,
Ballanger,	Hamilton,	Rawls,
Brown,	Harper of Terrell,	Smith of Charlton,
Carpenter,	Hook,	Sisson,
Claiborne,	Kyle,	Seale,
Cobb,	Lee,	Scott,
Cleghorn,	McArthur,	Tate,
Clark,	Nash,	Turnipseed,
Caldwell,	Prudden,	Vinson,
Erwin,	Parks,	Williams of Morgan,
Fincannon,	Phillips,	Walthall,
Felder,	Perkins of Cherokee,	Warren of Quitman,
Gray,	Paulk,	Welchel.
Gullatt,		

There are yeas 53.

There are nays 49.

So the motion to adjourn prevailed; and the House, after granting leave of absence for a few days on special business to Messrs. Harkness of Butts, Rosser of Webster, and Sorrels of Walton, adjourned until Wednesday next, 12 o'clock m.

WEDNESDAY, February 2, 1870.

12 o'clock m.

The House of Representatives met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Smith.

The calling of the roll was dispensed with, on motion of Mr. Harper of Terrell.

On motion of Mr. Bryant of Richmond the Journal was corrected by striking out the words "moved and," in his request that a telegram from Senator Edmunds, of Congress, be read, and then approved.

The House resumed the consideration of the unfinished business, the same being the motion of Mr. Bryant of Richmond that his protest against the action and organization of the House be spread upon the Journal of the House; which motion prevailed, and said protest is as follows, to wit:

"Mr. Speaker:

"The authority under which this House has assembled and organized is an Act of Congress entitled 'An Act to promote the reconstruction of the State of Georgia,' passed on the — day of December, 1869. The provisions of that Act have been openly and repeatedly violated in the organization of this House, and therefore the organization is illegal, and the proceedings are absolutely null and void.

"Section one of said Act is in these words: That the Governor of the State of Georgia be, and hereby is, authorized and directed forthwith, by proclamation, to summon all persons elected to the General Assembly of said State, as appears by the proclamation of George G. Meade, the General commanding the Military District including the State of Georgia, dated June the 25th, 1868, to appear on some day certain, to be named in said proclamation, at Atlanta in said State; and thereupon the General Assembly of said State shall proceed to perfect its organization, in conformity to the Constitution and laws of the United States, according to the provisions of this Act.

"The persons elected to the General Assembly of this State, as appears by the proclamation of General Meade, were summoned to meet in this city on the 10th instant, by the proclamation of the Governor of this State, issued in accordance with the provisions of the said Act of Congress. It was the right and the privilege of this House,

in conformity with the said Act of Congress, to proceed to perfect its own organization. But in violation of the provisions of said Act, the Governor appointed and directed one A. L. Harris, a man completely under the control of the Governor, he being an officer on the Western & Atlantic Railroad, to organize this House. The said A. L. Harris arbitrarily adjourned the House from day to day, in violation of law; thus preventing the members thereof, from perfecting their own organization in conformity with the law; and by force, and violence, and fraud, did wilfully hinder and interrupt the members of said House elected as aforesaid, from taking part in the organization aforesaid, according to law as aforesaid. Section four of said Act, is in these word: 'That the persons aforesaid, and entitled to compose such Legislature, and who shall comply with the provisions of this Act, by taking one of the oaths or affirmations above prescribed, shall thereupon proceed in said Senate and House of Representatives, to which they have been elected respectively, to reorganize said Senate and House of Representatives respectively by the election and qualification of the proper officers of each House.'

"It is clear that only those persons named in the said proclamation of General Meade, and have taken one of the oaths prescribed by said Act, can participate in the reorganization of said House; and that all persons named in said proclamation, who have duly qualified, by taking one of the oaths prescribed, can participate in said reorganization, but in violation of said Act, R. A. Donaldson of Gordon county, E. M. Taliaferro of Fulton county, and G. H. Nunn of Glascock county, persons named in said proclamation of General Meade, who have duly qualified, by taking the oaths prescribed by said Act of Congress, and have filed their names in the office of the Secretary of State, have been wilfully hindered and interrupted from participating in the proceedings of this House, in violation of the provisions of said Act; and W. L. Goodwin, James R. Thomason, William Guilford, Jacob P. Hutchings, Henry C. Holcombe, James Armstrong, Charles O.

Johnson, J. B. Nesbit, persons whose names do not appear in the said proclamation of General Meade, have been allowed to participate in the reorganization of this House, in violation of said Act of Congress. I therefore respectfully declare that this House has been organized in violation of law; and that there is no precedent for the acts that have been done, and the proceedings we have witnessed in the said organization, and I respectfully protest against the illegal organization of this House, and against any further proceedings being had, until the House is organized in accordance with law.

“J. E. BRYANT, of Richmond County.

“Atlanta, Ga., January 31, 1870.”

The following communication was received from his Excellency the Provisional Governor, through Mr. Lester, his Secretary, which was read :

Mr. Speaker :

I am directed by his Excellency the Provisional Governor to deliver to the House of Representatives a communication in writing.

On motion of Mr. O'Neal of Lowndes said communication was taken up, read, and is as follows, to wit:

*“ To the Senate and House of Representatives
of the Provisional Legislature :*

“ A correspondence with the Major-General commanding this District is herewith transmitted, by which you will be informed that your organization is recognized from to-day as being one properly prepared to enter upon the action required by the several reconstruction acts of Congress.

ATLANTA, GA., February 1, 1870.

Brevet Major-General A. H. Terry, Commanding District of Georgia :

GENERAL : I have the honor to report that a Joint Committee from the two Houses of the Provisional Legislature have informed me that the Senate and House have perfected an organization by the election of the proper officers, after excluding from the roll of members persons disqualified under the acts of Congress from holding office. The two Houses stand in recess until Wednesday next, the 2d instant, at 12 m.

I am, General, very respectfully,

RUFUS B. BULLOCK,
Provisional Governor.

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
ATLANTA, GA., February 2, 1870.HON. R. B. BULLOCK, *Provisional Governor, State of Georgia* :

GOVERNOR : I have the honor to acknowledge the receipt of your communication of yesterday, informing me that a joint committee of the two houses of the Legislature has informed you that the Senate and House of Representatives have each perfected an organization by the election of the proper officers. In reply to it I have the honor to say that I think that the houses are now properly organized for the purpose of assenting to and complying with the conditions imposed by Congress for the restoration of the State to its original relations with the nation.

I have the honor to be, very respectfully, your obedient servant,

ALFRED H. TERRY,
Brevet Major General Commanding.

Headquarters Military District of Georgia,
Atlanta, Ga., February 2, 1870.

OFFICIAL :

J. H. TAYLOR, Assistant Adjutant General.

“That a proper understanding may be had of your present political condition, and our status under the several acts of Congress, which have, from time to time, been adopted for the purpose of securing the establishment of State Governments, republican in form, in this and other of the late rebel States, it is important to review those acts, and to carefully consider what has been done by ourselves towards a compliance with their provisions.

“Such a review will establish the fact that the present legislative organization, if accepted and ratified by Congress, is the first and only legal organization *de jure* of this Legislature, and of the State Government, established by the votes of the people under the reconstruction acts ; and that this organization is based *exclusively* upon the election held under the order of the District Commander on the 20th, 21st, 22d, and 23d days of April, 1868.

“By an act of Congress, which became a law March 2, 1867, it is provided that—

WHEREAS, No legal State Governments or adequate protection for life or property now exist in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Florida, Texas, and Arkansas ; and

WHEREAS, It is necessary that peace and good order should be enforced

in said States until loyal and republican State Governments can be legally established ; therefore,

Be it enacted, etc., That said rebel States shall be divided into Military Districts, and made subject to the military authority of the United States, as hereinafter mentioned ; and for that purpose Virginia shall constitute the First District ; North Carolina and South Carolina the Second District ; Georgia, Alabama, and Florida the Third District ; Mississippi and Arkansas the Fourth District ; and Louisiana and Texas the Fifth District.

SEC. 2. That it shall be the duty of the President to assign to the command of each of said Districts an officer of the army not below the rank of Brigadier General, and to detail a sufficient military force to enable such officer to perform his duties, and enforce his authority within the District to which he is assigned.

SEC. 3. That it shall be the duty of each officer assigned as aforesaid to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals ; and to this end he may allow local civil tribunals to take jurisdiction of and try offenders, or when, in his judgment it may be necessary for the trial of offenders, he shall have power to organize military committees or tribunals for that purpose ; and all interference under color of State authority with the exercise of military authority under this act shall be null and void.

SEC. 4. That all persons put under military arrest by virtue of this act shall be tried without unnecessary delay, and no cruel or unusual punishment shall be inflicted, and no sentence of any Military Commission or tribunal hereby authorized affecting the life or liberty of any person shall be executed until it is approved by the officer in command of the District ; and the laws and regulations for the government of the army shall not be affected by this act, except in so far as they may conflict with its provisions.

SEC. 5. That when the people of any one of said rebel States shall have formed a Constitution and Government, in conformity with the Constitution of the United States in all respects, framed by a Convention of delegates elected by the male citizens of said State, twenty-one years old and upward, of whatever race, color or previous condition, who have been resident in said State for one year previous to the day of such election, except such as may be disfranchised for participation in the rebellion, or for felony at common law ; and when such Constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates ; and when such Constitution shall be ratified by a majority of the persons voting on the question of ratification who are qualified as electors for delegates ; and when such Constitution shall have been submitted to Congress for approval, and Congress shall have approved the same ; and when said State, by a vote of its Legislature, elected under said constitution, shall have adopted the amendment to the Constitution of the United States proposed by the Thirty-ninth Congress, and known as Article Fourteen ; and when said article shall have become part of the Constitution of the United States, said State shall be declared entitled to representation in Congress, and Senators and Representatives shall be admitted therefrom on their taking the oath prescribed

by law, and then and therefore the preceding sections of this Act shall be inoperative in this State.

Provided, That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States shall be eligible to election as a member of the Convention to frame a Constitution for any of said rebel States; nor shall any such person vote for members of such Convention.

SEC. 6. That until the people of the said rebel States shall by law be admitted to representation to the Congress of the United States, the civil Governments that may exist therein shall be deemed provisional only, and shall be in all respects subject to the paramount authority of the United States any time to abolish, modify, control and supersede the same; and in all elections to any office under such Provisional Government, all persons shall be entitled to vote, and none others, who are entitled to vote under the provisions of the fifth section of this Act. And no person shall be eligible to any office under such Provisional Governments who would be disqualified from holding office under the provisions of the third article of said Constitutional Amendment.

“Under this, and supplemental acts, an election was held on the 29th, 30th and 31st of October, and the 1st and 2d of November, 1867, for delegates to assemble in convention and to form a constitution. The delegates then elected assembled in convention at Atlanta on the 9th day of December, and after framing a constitution and adopting certain ordinances, adjourned on the 11th of March, 1868.

“An election for the ratification of the Constitution so framed, for members of a Legislature, Governor, etc., was held on the 20th, 21st, 22d and 23d days of April, 1868, and resulted in the ratification of the Constitution by a large majority of the voters, and also in the election of members of the Legislature, Governor, etc.”

“The result of this election was proclaimed by the Commander of the District, in General Order No. 90, dated June 25, 1868, and in accordance with the following Act of Congress:

AN ACT to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama and Florida, to representation in Congress:

WHEREAS, The people of North Carolina, South Carolina, Louisiana, Georgia, Alabama and Florida have, in pursuance of the provisions of an act entitled “An Act for the more efficient government of the rebel States,”

passed March 2d, 1867, and the acts supplemental thereto, framed constitutions of a State government, which are Republican, and have adopted said constitutions by large majorities of the votes cast at the elections held for the ratification or repealing of the same: Therefore,

Be it enacted, That each of the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama and Florida, shall be entitled and admitted to representation in Congress as a State of the Union, when the Legislature of such State shall have duly ratified the amendment to the Constitution of the United States proposed by the Thirty-ninth Congress, and known as Article 14, upon the following fundamental conditions:

SECTION 1. That the Constitution of neither of said States shall ever be so amended or changed as to deprive any citizen, or class of citizens of the United States of the right to vote in said State who are entitled to vote by the Constitution thereof herein recognized, except as a punishment of such crimes as are now felonies at common law, whereof they shall have been duly convicted under laws equally applicable to all the inhabitants of said States: *Provided,* That any alterations of said Constitutions, prospective in its effect, may be made with regard to the time and place of residence of voters; and the State of Georgia shall only be entitled and admitted to representation upon this further fundamental condition: That the first and third sub-divisions of Section 17 of the 5th Article of the Constitution of said State, except the proviso to the first sub-division, shall be null and void: and that the General Assembly of said State, by solemn public act, shall declare the assent of the State to the foregoing fundamental condition.

SEC. 2. That if the day fixed for the first meeting of the Legislature of either of said States by the Constitution or ordinance thereof shall have passed, or so nearly arrived, before the passage of this Act that there shall not be time for the Legislature to assemble at the period fixed, such Legislature shall convene at the end of twenty days from the time this Act takes effect, unless the Governor elect shall sooner convene the same.

SEC. 3. That the first section of this Act shall take effect as to each State except Georgia, when such State shall, by its Legislature, duly ratify Article Fourteen of the Amendment to the Constitution of the United States proposed by the Thirty-ninth Congress; and as to the State of Georgia, when it shall, in addition, give the assent of said State to the fundamental condition hereinbefore imposed upon the same; and thereupon the officers of each State duly elected and qualified under the Constitution thereof shall be inaugurated without delay; but no person prohibited from holding office under the United States, or under any State, by Section 3 of the proposed amendment to the Constitution of the United States, known as Article Fourteen, shall be deemed eligible to any office in either of said States, unless relieved from disability as provided in said amendment; and it is hereby made the duty of the President, within ten days after receiving official information of the ratification of said amendment by the Legislature of either of said States, to issue a proclamation announcing that fact.

“ which became a law June 25, 1868. The members of

the Legislature so elected were, by the proclamation of the Governor elect, convened in Atlanta on the 4th day of July, 1868.

“On the same date the Governor elect was appointed Provisional Governor by the Commander of the District, under General Order No. 91, dated June 28, 1868.

“This act of Congress authorizing the assembling of the Legislature, it will be observed, required that

No person prohibited from holding office under the United States, or under any State, by section 3 of the proposed amendment to the Constitution of the United States, known as Article Fourteen, shall be deemed eligible to any office in either of said States, unless relieved from disability as provided in said amendment.

“The Legislature thus convened having been organized under the orders of the Commanding General without inquiring into the eligibility of its members as required by this act of Congress, his attention was called to the fact that persons disqualified by that act were then sitting and acting as members; whereupon the Commanding General directed the body to examine into the subject of the eligibility and proper qualification of its members; and upon a resolution being adopted in each House that all the then sitting members were eligible and qualified, the Commanding General authorized the body to proceed with the legislative action required by the several laws of Congress to which reference has been made.

“This legislative action was taken on the 21st of July, 1868, in apparent good faith, and members of Congress who were elected, as provided by an ordinance of the Constitutional Convention, to the Forty-first Congress, were admitted to the last session of the Fortieth Congress upon presentation of certificates from the District Commander that they had received the highest number of votes in their respective districts. This admission occurred in July, 1868, and Congress adjourned on the 25th of the same month.

“The Legislature, on the 29th of July, 1868, proceeded to the election of United States Senators, when, by uniting the entire vote of the disqualified members and the mem-

bers who were opposed to the Congressional policy of reconstruction, with a few who had assumed to favor it, Messrs. Hill and Miller were declared to have been elected Senators, the former for the term ending March 4, 1873, the latter for the term ending March 4, 1871. Although, as has since been disclosed, if the twenty-five or more disqualified men had been excluded, neither of these gentlemen could have been elected, Mr. Hill's majority on joint ballot having been but seven and Mr. Miller's but fourteen.

"This action having been taken and the District Commander having issued his order relinquishing military control, it was assumed that the requirements of Congressional law had become inoperative, and that the National authority was no longer effective in Georgia.

"On the 8th day of August, 1868, a resolution was offered in the House of Representatives of the General Assembly 'denying the eligibility of colored men to seats upon the floor of the House,' who up to that time had been acting as members, and on the third day of September following, twenty-six colored members were expelled. On the 12th day of September similar action was perfected in the Senate, and all the colored Senators were expelled. On the sixth day of October, 1868, this organization adjourned.

"Congress re-assembled on the 7th day of December, 1868, when the credentials of one of the Senators elect, Hon. Joshua Hill, were presented in the Senate, and, upon objection being made, his credentials were referred to the Judiciary Committee. This committee, having examined thoroughly into the organization, and the revolutionary action of the legislative body, which had assumed to elect these Senators, and after having had the case before it for deliberation for many weeks, the committee made an elaborate report to the Senate against the admission of Mr. Hill, in which that committee say:

Your committee are of opinion that the act of June 25, 1868, which required that the Constitutional Amendment should be duly ratified, must be held to mean that it must be ratified by a Legislature which has in good faith substantially complied with the requirements of law providing for its organization.

“Referring to the fact that ordinarily the election and qualification of members of the State Legislature is not a subject to be inquired into by the Senate, the committee in their report, marked very distinctly, the difference between a State which has uninterruptedly maintained its proper relations to the Union and one like ours, in which a government is being organized under and by virtue of the authority of the United States. The committee say :

The election and qualification of members of the Legislature, where the existence of any Legislature authorized to act as such is not involved, cannot be inquired into by the Senate in determining the right of a Senator to his seat, your committee hold that the question involved in this case is not whether persons not entitled to seats in the Legislature were received by that body and allowed to vote upon the election of a Senator, but whether the body assuming to be the Legislature violated the conditions upon which it was allowed to organize, by permitting disloyal persons to participate in its proceedings.

“In repelling the proposition that the action of the Legislature touching the eligibility of its members, under the law and the Fourteenth Amendment, together with the subsequent action in the premises by the District Commander, finally disposed of the whole question and debarred Congress from taking any action—the committee say :

Whereupon the two Houses went through the form of an investigation. But from the evidence before your committee, the investigation does not appear to have been conducted in good faith, or with any intention either of finding the facts or of excluding persons known to be disqualified. A committee was appointed in each House. In the Senate the majority of the committee found all the members qualified, but there was a minority report which gave an abstract of the evidence and found four Senators disqualified. The evidence consisted of the admissions of the Senators themselves, which, if true, they should have been excluded. Yet the Senate passed a resolution, under the operation of the previous question, admitting them all.

* * * * *

For the purposes of this report, however, your committee did not deem it necessary to ascertain the number of disqualified persons admitted. But the fact that any were knowingly admitted was not only a violation of the Fourteenth Amendment, and a failure to comply with the requirements of Congress, but manifests a disposition to disobey and defy the authority of the United States. If one could be admitted, why not all? And will it be contended that if the entire body had been composed of men who had

usurped the functions of the Legislature against the express provisions of the reconstruction acts, they could have complied with the provisions of those acts so as to create any obligation on the part of Congress to receive their Senators and Representatives?

“The action of Congress in this matter is fully quoted, because of its importance, as the foundation upon which the subsequent action rests.

“If our legislative organization had been perfected as required by the laws, there would have been no power resting in Congress to interfere which would not apply equally to the adhering States—New York or Massachusetts—but when it was ascertained that we had *not* complied with the laws, and had *not* organized the Legislature by excluding men who were disqualified by the law, Congress could in nowise be bound by the action of such a body, and the right, we may say the *duty*, of Congress to adopt such measures as seemed to them proper to enforce their own laws, was not only indisputable but freely admitted. As will be subsequently shown, Congress and the President concur in requiring us to commence again the work of reconstruction at the precise point where a failure in the execution of those laws become apparent, *viz*: THE FOURTH DAY OF JULY, 1868.

“That both Houses of Congress moved in harmony upon this subject is established by the adoption of the following preamble and resolution in the House of Representatives of Congress after the report of the Judiciary Committee was made in the Senate:

WHEREAS, It is reported that the Legislature of Georgia has expelled the colored members thereof, and admitted to their seats white men who received minorities of votes at the polls, and that members of said Legislature who had been elected thereto by the votes of colored men joined in such action, and that twenty-seven disqualified white men hold seats in said Legislature, in violation of the Fourteenth Amendment to the Constitution and the reconstruction acts of Congress; and Senators from Georgia have not been admitted to the Senate of the United States,

Resolved, That the Committee on Reconstruction be ordered to inquire and report whether any, and if any, what further action ought to be taken during the Fortieth Congress respecting the representation of Georgia in this House.

[Adopted January 28—yeas 127; nays 33.]

“While this action was being taken by Congress, indicating plainly the desire, the judgment and the purpose of the Government, this illegal legislative organization of ours, on the 13th January, 1869, re-assembled, and after being in session until the 18th day of March following, refused to heed the recommendations then repeated to perfect its organization in accordance with the laws of Congress, by the exclusion of the disqualified persons and the restoration of members expelled on account of their color.

“All that has since been done could then have been avoided. We all knew what was required of us, and should have promptly complied.

“Valuable lives would have been saved. The peace, good order and good name of our State would have been maintained, and our material prosperity greatly enhanced, by following the dictates of wisdom and ceasing useless and fruitless opposition to the inevitable. But unfortunately other counsels were heeded and the policy of reaction and resistance prevailed at that time.

“Congress assembled again on the first Monday of December, 1869, and in accordance with the recommendation of the President proceeded promptly to prepare and adopt an act to promote the reconstruction of Georgia, and thus overcome the obstacles which had been placed in the way of restoration by the men who had embraced every previous opportunity to defeat that wise and just policy which is involved in the Congressional enactments for the establishment of civil governments in this and other Southern seceding States.

“The act under which you are now assembled and organized was adopted in the United States Senate on the 17th of December, 1869, by a vote of 46 to 9, and in the House on the 21st of the same month by a vote of 121 to 51, and became law by the approval of the President on the following day, thus displaying the united determination of Congress and the President that the machinations of defeated rebels should not prevail by civil proceedings after their armed opposition had been so signally defeated.

“In accordance with the letter and the spirit of the ac-

tion of Congress, the President, on the 24th of December, 1869, assigned 'an officer of the army, not below the rank of Brigadier-General'—Brevet Major-General Alfred H. Terry—to the command of Georgia as a Military District.

"I have thus recapitulated the facts covering our political history from the time of the adoption of the act of March 2, 1867—which declares

That until the people of said Rebel States shall by law be admitted to representation to the Congress of the United States, the civil governments that may exist therein shall be deemed provisional only, and shall be in all respects subject to the paramount authority of the United States, any time to abolish, modify, control and supersede the same, etc. —

up to the present hour, and it will not, I think, be seriously argued that the right reserved by Congress in that act has ever been withdrawn by the action of Congress or expired by reason of any legal act of our own.

"But the argument made by General Terry in his report is so cogent and conclusive that I repeat it here. I quote from Major-General Terry's report, dated 'Atlanta, Ga., August 14, 1869. * * * * *

While I have been in command of the Department, I have endeavored to take no action which could not be justified by the letter of the law, even if Georgia should be held to be restored to its original relations to the general government. I have confined myself to giving support to the civil authorities, and moving detachments of troops into some of the disturbed counties where their presence would exert a good influence, and where they would be ready to act if properly called upon. I think that some good has, in this way, been accomplished, but the great evil has by no means been reached. As a Department Commander, I can do no more; for whatever may be the status of Georgia, and whatever may be the powers which an officer assigned to command the Third District, created by the reconstruction acts, would possess, it is only an officer, so assigned, who could exercise them; they are not vested in me by my assignment to the command of this Department.

Where, therefore, the civil authorities are in sympathy with, or are overawed by those who commit crime, it is manifest that I am powerless. In this connection, I respectfully call the special attention of the General Commanding the army to the reports in regard to the attempt made in Warren county to secure the arrest and punishment of persons charged with crime, which are to-day forwarded. It appears to me that the national honor is pledged to the protection of the loyalist and the freedmen of the South. I am well aware that the protection of persons and property is not ordinarily one of the functions of the National Government, but when it

is remembered that hostility to the supporters of the government, is but a manifestation of hostility to the government itself, and that the prevailing prejudice against the blacks results from their emancipation—the act of the government—it would seem that such protection cannot be denied them, if it be within the power of the government to give it. I know of no way in which such protection can be given in Georgia, except by the exercise of the powers conferred on military commanders by the reconstruction acts. The question whether these powers can still be exercised in this State, is a grave one. I should hesitate to attempt the discussion of it, were I not convinced of the absolute necessity of such action. Being convinced of that necessity, I venture to present my views to the General Commanding.

By the act entitled 'An Act to provide for the more efficient government of the rebel States,' passed March 2, 1867, it is provided in the first section thereof, that the States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas and Arkansas, shall be divided into five Military Districts, and subjected to military authority; and in the second section, that to each of said districts shall be assigned as a Commander an officer of the army not below the rank of Brigadier-General. The third and fourth sections of the act specify the powers and duties of District Commanders; making it their duty 'to suppress insurrection, disorder and violence, and to punish, or cause to be punished, all disturbers of the public peace,' etc. The fifth section prescribes the manner in which, and the conditions upon which, the rebel States may be restored to their normal relations to the National Government, and fixes the contingencies upon the happening of which, the preceding sections shall become inoperative in said States respectively; upon the happening of which, military control in said State shall cease. This section is as follows, to-wit:

'SECTION 5. *And be it further enacted,* That when the people of any one of the said rebel States shall have formed a constitution of government in conformity with the Constitution of the United States in all respects, framed by a convention of delegates elevated by the male citizens of said State, twenty-one years old and upward, of whatever race, color or previous condition, who have been resident in said State for one year previous to the day of such election, except such as may be disfranchised for participation in the rebellion or for felony at common law; and when such constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates; and when such constitution shall be ratified by a majority of the persons voting on the question of ratification who are qualified as electors for delegates; and when such constitution shall have been submitted to Congress for examination and approval, and Congress shall have approved the same, and when said State, by a vote of its Legislature elected under said Constitution shall have adopted the amendment to the Constitution of the United States proposed by the Thirty-ninth Congress and known as Article Fourteenth; and when said article shall have become a part of the Constitution of the United States, said State shall be declared entitled to representation in Congress, and Senators and Representatives shall be admitted therefrom

on their taking the oath prescribed by law ; and then and thereafter the preceding sections of this act shall be inoperative in said State : Provided that no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States shall be eligible to election as a member of the convention to frame a constitution for any of said rebel States, nor shall any such person vote for members of such convention.'

It will be observed that, after prescribing the terms of restoration, it provides that, when they shall have been complied with by any one of the States to which the act applies, said State shall be declared to be entitled to representation in Congress ; and senators and representatives shall be admitted therefrom on their taking the oath prescribed by law ; and then and thereafter the preceding sections shall be inoperative in said State. I respectfully submit that, by this language, the actual admission of Senators and Representatives is made a condition precedent to the abrogation of military authority ; that the action of the two Houses of Congress in admitting members was provided for as the final recognition of the restoration of the States ; and that until that recognition by the law-making power, unless subsequent acts have changed, modified, or repealed this act, in this respect, the powers conferred on District Commanders may be exercised.

The supplementary acts of March 23, and July 19, 1867, to my apprehension, have no bearing whatever upon this question ; they in no degree modify or change the act of March 2d, in respect to the time when, or the conditions upon which the first four sections of that act become inoperative.

The act of June 25, 1868, the only remaining act which relates to the government and restoration of the rebel States, seems to have been passed mainly in pursuance of those portions of that fifth section of the act of March 2, 1867, which provide for the submission to, and approval by Congress of the Constitutions framed for the several States, and for a declaration by Congress that the States are entitled to representation. It contains a conditional approval of the constitutions formed for certain of the rebel States, and the reaffirming one of the original conditions of restoration, provides that after the ratification of the Fourteenth Amendment by the Legislatures of the said States, they shall be entitled and admitted to representation. In this there seems to be no departure from the original act ; that act also provided that when the prescribed terms and conditions should be complied with, the States should be entitled and admitted to representation, but it made the cessation of military control dependent on the actual admission of Senators and Representatives ; and the act of June 25th leaves this matter where the original act placed it. The plan of reconstruction contemplates five great steps. 1st. The formation of a State Constitution. 2d. The approval of that Constitution by Congress. 3d. The ratification of the Fourteenth Amendment. 4th. The declaration by Congress that the State is entitled to representation ; and 5th. The final act of recognition—the admission of Senators and Representatives on their taking the oath prescribed by law. When all these steps are taken, the powers conferred on military commanders cease to exist ; until then they may be exercised. The persons elected as Senators by the Legislature of Georgia have never been admitted to the Senate, and no representatives from the

State have been admitted to the present House of Representatives. I therefore respectfully submit that the work of reconstruction here has not been completed, and that consequently the powers conferred on military commanders may still be exercised within the State.

Thus far I have proceeded on the assumption that all the conditions precedent to restoration have been complied with by Georgia, but I now submit that the Fourteenth Amendment has not been duly ratified by its Legislature. The act of June 25, 1868, in its concluding section, provides that 'no person prohibited from holding office under the United States or under any State by Section 3 of the proposed amendment to the Constitution of the United States known as Article XIV, shall be eligible to any office in either of said States, unless relieved from disability as provided in said amendment ;' thus in effect prescribing the character of the Legislature by which said amendment should be adopted as a condition precedent to restoration, that is to say, Legislatures composed of persons eligible to office under that amendment. No such Legislature has yet assembled in Georgia ; for it is well ascertained that in the Legislature which did assemble, and which acted upon the Fourteenth Amendment, were a number of persons who were not eligible to seats therein. The facts in the case are fully set forth in the following extract from the report made in July last by a majority of the Judiciary Committee of the Senate of the United States to whom had been referred the credentials of Mr. Joshua Hill, claiming to be a Senator elect from this State, viz :

'The District Commander, General Meade, by a General Order dated June 25, 1868, declared the result of the election, Rufus B. Bullock being elected Governor, and among the members elected to the Legislature in that order were thirty-one colored men—three Senators and twenty-eight Representatives. (See exhibit No. 1.) By a proclamation of the Governor elect, in pursuance of the act of June 25, 1868, the Legislature of Georgia convened on the 4th July following. On the 8th July, the organization of the two houses was effected, and all persons declared elected were allowed to take their seats.

'When the Governor elect was notified of the action of the two houses, he addressed a communication to General Meade, Commander of the District, informing him of the fact, and also that it was alleged that a number of the members of the General Assembly who had taken their seats and one or more officers of that body were not eligible under the act of June 25, 1868, by reason of their having taken an official oath to support the Constitution of the United States and subsequently had given aid and comfort to the enemies thereof. General Meade on the same day replied to the communication, and, among other things, desired the Governor elect to communicate to the Legislature that he could not recognize any act of that body as valid, or allow the same to be executed until satisfactory evidence was produced that all persons excluded by the Fourteenth Amendment were deprived of their seats in both houses. Whereupon, the two houses went through the form of an investigation. But from the evidence before your committee, the investigation does not appear to have been conducted in good faith, or with any intention either of finding the facts or of excluding persons known to have been disqualified. A committee was appointed in

each house. In the Senate the majority of the committee found all the members qualified ; but there was a minority report which gave an abstract of the evidence and found four Senators disqualified. The evidence consisted of the admission of the Senators themselves ; which, if true, they should have been excluded. Yet the Senate passed a resolution, under the operation of the previous question, admitting them all. These facts appear in the official correspondence between Governor Bullock and General Meade in regard to the organization of the Georgia Legislature. (See Exhibit A.) There were three reports in the House. The majority report found two members disqualified ; one of the minority reports found still another member disqualified, but the other minority report found that all were qualified. The last report was adopted by the House under the operation of the previous question. To illustrate the manner in which the investigation was conducted, a copy of the proceedings of the Legislature on the 16th, 17th, and 18th days of July, 1868, as reported in the Atlanta Daily Era, and forwarded to the State Department, is attached to this report. (See Exhibits A, B, and C.) It is alleged that an impartial investigation would have shown from thirty to forty members of the Legislature disqualified under the Fourteenth Amendment, and although your committee have not been able to fully investigate this matter, but from the evidence before them, they have little doubt that the number was large, as the exhibit hereto attached will tend to establish.'

It may be contended that this action of the two branches of the Legislature is final and conclusive ; but I respectfully submit that by the terms of the act of March 2, the State government at the time was provisional only ; the Fourteenth Amendment had not been ratified, the conditions precedent to restoration had not been performed, the State and its officers were still "subject to the paramount authority of Congress," and to the authority which had been conferred by law on the military Commander of the District, of which Georgia formed a part ; therefore it was within the power of that Commander to determine the eligibility of members ; and consequently the clause of the Constitution of the State which gives conclusive jurisdiction of this question to the two branches of the Legislature, cannot be considered as having taking effect.

And I also submit that the action of the Legislature admitting to membership the ineligible persons elected to it, whether intentionally so or not, was, in effect, a fraud upon the reconstruction laws, and upon the government ; a fraud which so vitiates its organization that it cannot be considered a Legislature within the terms and provisions of the reconstruction acts ; and therefore the Fourteenth Amendment has not been ratified by the Legislature of Georgia ; the conditions precedent to the restoration of the State have not been fully complied with, and the first, second, third and fourth sections of the act of March 2 have not become inoperative in this State.

There have been several official acts of the Executive and Legislative Departments of the Government bearing upon this question, some of which declare or imply that the State has been restored to its normal condition ; others that it has not been. Of the former class are : First. The order of General Meade declaring the State restored, and withdrawing from the

exercise of military control over it. Secondly. General Orders No. 55, Adjutant-General's Office, Washington, July 28, 1868, declaring that the Third Military District has ceased to exist; and Thirdly. The admission of members from Georgia to the House of Representatives of the Fortieth Congress. Of the latter class are: The refusal of the Senate to admit the persons elected to it from Georgia; the refusal of the present House of Representatives to admit members to it from the State, and the refusal of Congress to count in the accustomed manner the electoral vote of the State at the recent Presidential election. It is hardly necessary to suggest that the argument to be drawn from this action, as a whole, is strongly against the proposition that the State has been restored.

In conclusion, I desire to express my conviction that the only way to restore good order in the State is to resume military control over it for the time being, and ultimately to provide by law that the Legislature shall reassemble as a provisional Legislature, from which all ineligible persons shall be excluded, and to which all eligible persons elected to it, white or black, shall be admitted. Such a Legislature would, I believe, enact such laws and invest the Executive with such powers as would enable him to keep the peace, protect life and property, and punish crime.

The process of resuming military control would, it appears to me, be a very simple one. All that would be required is an order from the President countermanding General Orders No. 55, Adjutant-General's Office, July 28, 1868, and General Orders No. 103, Headquarters Third Military District, July 22, 1868, and assigning an officer to the command of the District; excepting the States of Florida and Alabama. This action I respectfully recommend.

I have the honor to be, General, very respectfully, your obedient servant,
(Signed) ALFRED H. TERRY,

Brevet Major-General Commanding.

“That the foregoing presents the correct legal view of the case, and that Congress and the administration have so decided, is fully established by the fact that Congress has assumed to legislate upon the subject, and that the President has approved such legislation, and has assigned a commander to this district, by the following order:

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
WASHINGTON, January 4, 1870.

General Orders, No. 1.

By direction of the President of the United States, so much of General Orders, No. 103, dated Headquarters Third Military District, (Department of Georgia, Florida and Alabama,) Atlanta, Georgia, July 22, 1868; and so much of General Orders, No. 55, dated Headquarters of the Army, Adjutant-General's Office, Washington, July 28, 1868, as refers to the State of Georgia, is hereby countermanded. Brevet Major-General Terry will, until further orders, exercise within that State the powers of the Commander

of a Military District, as provided by the act of March 2, 1867, and the acts supplementary thereto, under his assignment by General Orders, No. 83, dated Headquarters of the Army, Adjutant-General's Office, Washington, December 24, 1869.

By command of General Sherman:

E. D. TOWNSEND, Adjutant-General.

"That it is a political question upon which Congress is the sole and final judge, will not be denied.

"It therefore follows that, having perfected an organization as required by law, you are prepared and required to pass upon the several subjects submitted for your action by the acts of Congress, known as the reconstruction acts, and to elect Senators.

"These subjects are the ratification of the Fourteenth Amendment, giving the assent of the State to certain modifications of the Constitution, and the adoption of the Fifteenth Amendment.

"Should it be urged that we have already acted upon the Fourteenth Amendment, etc., it is a sufficient answer to quote the action of Congress, wherein they hold that no legal organization of a Legislature has heretofore been perfected. And should it be argued that Georgia was counted as having ratified the Fourteenth Amendment, it is answered by the following joint resolution of Congress, adopted before Georgia acted, and in which Georgia is not named."

Concurrent Resolutions of Congress respecting the ratification of the Fourteenth Amendment to the Constitution, July 21, 1868.

WHEREAS, The Legislatures of the States of Connecticut, Tennessee, New Jersey, Oregon, Vermont, West Virginia, Kansas, Missouri, Indiana, Ohio, Illinois, Minnesota, New York, Wisconsin, Pennsylvania, Rhode Island, Michigan, Nevada, New Hampshire, Massachusetts, Nebraska, Maine, Iowa, Arkansas, Florida, North Carolina, Alabama, South Carolina and Louisiana, being three-fourths and more of the several States of the Union, having ratified the Fourteenth Article of Amendment to the Constitution of the United States, duly proposed by two-thirds of each House of the Thirty-ninth Congress, therefore,

Resolved, By the Senate, [the House of Representatives concurring] that said Fourteenth Article is hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated as such by the Secretary of State.

July 21—Passed the Senate without a count.

Same day the House passed the resolution —yeas 126, nays 32 ; the preamble —yeas 127, nays 35.

“Our action having been accepted and approved by Congress by the admission of Senators and Representatives, we will, after nearly ten years of wandering astray, be once more a State in the Union. Our Constitution will then become of force, and upon the election by your now legal organization of the officers provided for by the Constitution, the State Government will become a government *de jure*; the members of your honorable body will enter upon the terms for which they were elected, and it is hoped and believed that nothing will ever again occur to disturb the harmonious relations which should be forever maintained between this State and the National Government.

“I transmit herewith authentic copies of the joint resolutions of the Thirty-ninth Congress proposing an amendment to the Constitution of the United States, known as Article XIV., and the joint resolution of the Fortieth Congress proposing an amendment known as Article XV.; also the act of June 25, 1868, which requires the assent of the State to be given to certain modifications of the Constitution of the State.

“The party in this State which has promoted reconstruction may properly be mentioned in a communication of this character, because party lines here, as in all the Southern States since the rebellion, have been drawn between those who favored restoration of State governments under Congressional enactment and those who opposed such restoration, the former party being in favor of compliance, and the latter party opposed to any settlement which did not practically yield all the issues which the General Government had established by force of arms.

“This party, therefore, has been and is the party of peace, and the other the organization of all the elements of discord, discontent and defiance. And I speak of the party favoring the reconstruction measures, now to recognize the fact that its course has been consistent and persistent in support of the measures provided by Congress as a settlement and for a restoration of civil government in the South,

and the party has been equally as determined in its opposition to every scheme which the old political tricksters have devised to defeat this wise and just policy of Congress.

“In pursuing their opposition to Congress, these political charlatans have resorted to every conceivable baseness, abandoning argument to take up with murder and assassination; disregarding principles to indulge in vilification, and now, in their hopeless despair, we find them endeavoring to grasp a Republican livery, under which they hope to hide their nefarious purpose. They now loudly proclaim their hot haste to promote reconstruction and to adopt measures which will successfully perfect it.

“While we congratulate the State, and the country, even upon its outward evidence that wisdom is returning to our misguided brethren, the party door is wide and open for any and all who desire to enter and support the great principles of equal rights and republican liberty, which have triumphed over secession and rebellion.

“We desire the good of the whole people; that the rights of the poor laboring men shall be equally protected with those of the rich; that the avenues of intelligence shall be open for all, and that a citizen's worth shall be determined by his own efforts and his own character, neither advanced nor retarded by his birth, his color, his religion or his politics. Upon this platform all can unite. The industrious, the intelligent, and those who love peace rather than strife, will soon abandon the lead of disappointed politicians, and aid in sustaining the Government.

“The wrongs which have been done, the lawless outrages which have been committed in many parts of the State, are the acts of but a few irresponsible persons. When all good citizens exert their influence in favor of justice, lawlessness will cease.

“Let us, therefore, unite in a complete recognition of the rights of *men*, irrespective of birth, color or previous condition, and frankly admit that under, and before, the law all men are equal—that all are responsible—and see to it that by future legislation the requirements of our Consti-

tution are recognized—that free schools are established and maintained, and that protection is secured for person and property, and for the free expression of political opinions.

“Let party lines be extended so as to welcome and include all who are in favor of impartial suffrage and universal amnesty. Under our State Constitution no man is disfranchised, and under the Constitution of the United States no man will be disqualified from holding office who is ready to maintain and uphold the Government.

“I would respectfully recommend that the Fourteenth Amendment and the fundamental conditions required by the Act of June 25, 1868, and the Fifteenth Amendment be adopted at once, and that your honorable body then take a recess until Monday, the 14th instant.

“Should it be deemed desirable by any member to attempt general legislation at this time, his attention is invited to the following extract from the opinion of the Honorable Attorney General of the United States in the case of Virginia:

It is required under the previous law to act upon the question of adopting * * [Amendments] to the Constitution of the United States before the admission of the States to representation in Congress. I am of opinion, therefore, that it may come together, organize, and act upon that Amendment, but that until Congress shall have approved the Constitution, and the action under it, and shall have restored the State to its proper place in the Union, by reorganizing its form of Government as republican, and admitting it to representation, the Legislature is not entitled, and could not, without violation of law, be allowed to transact any business, pass any act or resolve, or undertake to assume any other function of a Legislature, if the test oath has not been required of its members.

“In a subsequent opinion the honorable Attorney General decided that the election of Senators, at the proper time, was a part of the work of reconstruction.

“Your organization having been recognized from to-day, the time fixed by the United States for the election of Senators will occur on Tuesday, the 15th instant, and as it is unwise to attempt any general legislation while the Government is Provisional, and pending our recognition by Congress, the recess recommended seems desirable.

“I shall esteem it a personal and an official favor if your honorable body will authorize a Joint Committee to sit during the recess, and investigate the indirect charges made by the Treasurer through the public prints against the Executive, as well as any and all charges he may now have to present. I would respectfully recommend that the committee be authorized to send for persons and papers, and to administer oaths; and I am confident that such validity will be given to the acts of the committee, by the Commander of the District, as may be necessary to insure justice.

“RUFUS B. BULLOCK,
Provisional Governor.

“Atlanta, Wednesday, February 2, 1870.”

Mr. O'Neal of Lowndes offered the following preamble and resolution and moved that the same be adopted:

WHEREAS, At the session of the Thirty-ninth Congress it was resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses of Congress concurring, that the following article shall be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which amendment, when it shall have been ratified by three-fourths of the said Legislatures, shall be valid to all intents and purposes as a part of the said Constitution, namely:

ARTICLE XIV

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among

the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridge, except for participation, or other crime, the basis of representation therein shall be rendered in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a Senator or Representative in Congress, or electors of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid and comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, and obligations and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce by appropriate legislation the provisions of this Article; therefore,

Resolved, If the Senate concur, that the said proposed

amendment to the Constitution be, and the same is hereby, ratified by the Legislature of the State of Georgia.

The previous question called and sustained; the main question put, and the resolution put upon its passage; upon the adoption of which, the yeas and nays being required to be recorded, resulted in yeas 71, and nays 00.

Those voting in the affirmative are Messrs.—

Atkins,	Gardner,	Madison,
Allen of Jasper,	Guilford,	McCormick,
Allen of Hart,	Goodwin,	Neal,
Armstrong,	Hillyer,	O'Neal of Baldwin,
Bell,	Harrison of Hancock,	Prudden,
Buchan,	Hall of Meriwether,	Porter,
Bethune,	Harden,	Perkins of Dawson,
Barnes,	Hutchings,	Perkins of Cherokee,
Bradford,	Holden,	Reid,
Beard,	Hooks,	Richardson,
Cunningham,	Houston,	Rice,
Carpenter,	Higdon,	Smith of Charlton,
Carson,	Haren,	Smith of Muscogee,
Claiborne,	Johnson of Towns,	Strickland,
Colby,	Johnson of Spalding,	Simms,
Costin,	Joiner,	Saulter,
Clower,	Jackson,	Tweedy,
Campbell,	Lastinger,	Watkins,
Davis,	Lane,	Warren of Burke,
Ellis,	Linder,	Williams of Harris,
Fitzpatrick,	Madden,	Williams of Haralson,
Floyd,	Moore,	Zellars.
Golden,	Maull,	Mr. Speaker.

Mr. O'Neal of Lowndes paired off with Mr. Turnipseed.

Mr. Maull paired off with Mr. Harkness.

Mr. Humber paired off with Mr. Turner.

Yeas 71.

Nays 00.

So the resolution was adopted.

Mr. O'Neal of Lowndes offered the following preamble and resolution, and moved that the same be adopted:

WHEREAS, The Congress of the United States by the Act of June 25th, 1868, proposing to admit the State of Georgia to representation in Congress as a State of the

United States, imposed as one of the conditions upon which the same shall take effect, that the first and third subdivisions of section seventeen, of the fifth Article of the Constitution of the State of Georgia, except the proviso of the first subdivision, shall be null and void, and that the General Assembly shall, by solemn Act, declare the assent of the State to said condition; It is therefore,

Resolved by the House of Representatives, the Senate concurring, That the General Assembly of the State of Georgia does hereby declare the assent of the State of Georgia to the said condition.

The previous question called and sustained; the main question put, and the resolution put upon its passage; upon the adoption of which the yeas and nays being required to be recorded, resulted in yeas 71, and nays 1.

Those voting in the affirmative were Messrs.—

Atkins,	Guilford,	Moore,
Allen of Jasper,	Goodwin,	Madison,
Allen of Hart,	Gober,	McCormick,
Bell,	Hillyer,	O'Neal of Baldwin,
Buchan,	Holcombe,	Prudden,
Bethune,	Harrison of Hancock,	Porter,
Barnes,	Hall of Meriwether,	Perkins of Dawson,
Bradford,	Hall of Bulloch,	Reid,
Beard,	Harden,	Richardson.
Cunningham,	Hutchings,	Rice,
Carpenter,	Holden.	Smith of Charlton,
Carson,	Hooks,	Smith of Muscogee,
Claiborne,	Houston,	Sewell,
Colby,	Higdon,	Strickland,
Costin,	Haren,	Simms,
Clower,	Johnson of Towns,	Saulter,
Campbell,	Johnson of Spalding,	Tweedy,
Davis,	Joiner,	Watkins,
Ellis,	Jackson,	Warren of Burke,
Fitzpatrick,	Lastinger,	Williams of Harris,
Floyd,	Lane,	Williams of Haralson,
Golden,	Linder,	Zellars,
Gardner,	Madden,	Mr. Speaker.

Those voting in the negative were Messrs.—

Hamilton.

Mr. O'Neal of Lowndes paired off with Mr. Turnipseed.

Mr. Maull paired off with Mr. Harkness.

Mr. Humber paired off with Mr. Turner of Bibb.

Yeas 71.

Nays 1.

So the resolution was adopted.

Mr. O'Neal of Lowndes offered the following preamble and resolution and moved that the same be adopted, to wit:

WHEREAS, At the session of the Fortieth Congress it was resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, that the following Article shall be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which amendment, when it shall have been ratified by three-fourths of the Legislatures, shall be valid to all intents and purposes as a part of said Constitution, viz:

ARTICLE XV

SECTION 1. The rights of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this Article by appropriate legislation; therefore,

Resolved, If the Senate concur, that the said proposed amendment to the Constitution be, and the same is hereby, ratified by the Legislature of the State of Georgia.

The previous question called and sustained; the main question put, and the resolution put upon its passage; upon the adoption of which the yeas and nays being required to be recorded, resulted in yeas 75, and nays 29.

Those voting in the affirmative are Messrs.—

Atkins,	Bell,	Bradford,
Allen of Jasper,	Buchan,	Beard,
Allen of Hart,	Bethune,	Cunningham,
Armstrong,	Barnes,	Carson,

Claiborne,	Hutchings,	Porter,
Colby,	Holden,	Parks,
Costin,	Hooks,	Perkins of Dawson,
Clowers,	Houston,	Price,
Campbell,	Higdon,	Reid,
Caldwell,	Haren,	Richardson,
Davis,	Johnson of Towns,	Rice,
Ellis,	Johnson of Spalding,	Smith of Charlton,
Fitzpatrick,	Joiner,	Smith of Muscogee,
Floyd,	Jackson,	Sewell,
Golden,	Lastinger,	Strickland,
Gardner,	Lane,	Simms,
Guilford,	Linder,	Saulter,
Goodwin,	Madden,	Tweedy,
Gray,	Moore,	Watkins,
Gober,	Madison,	Warren of Burke,
Hillyer,	McCormick,	Williams of Harris.
Holcombe,	Nesbit of Gordon,	Williams of Haralson,
Harrison of Hancock,	Nisbet of Dade,	Williams of Morgan,
Hall of Meriwether,	O'Neal of Baldwin,	Zellars,
Harden,	Prudden,	Mr. Speaker.

Those voting in the negative are Messrs.—

Barnum,	Felder,	Perkins of Cherokee,
Ballanger,	Gullatt,	Pepper,
Brown,	Hall of Glynn,	Rainey,
Cobb,	Hamilton,	Sisson,
Cleghorn,	Hook,	Scott,
Cloud,	Harris,	Tumlin,
Clark,	Kyle,	Tate,
Duncan,	McArthur,	Vinson,
Erwin,	Matthews,	Walthall,
Fincannon,	Phillips,	Warren of Quitman.

Mr. O'Neal of Lowndes paired off with Mr. Turnipseed of Clay.

Mr. Maull of Muscogee paired off with Mr. Harkness of Butts.

Mr. Humber of Stewart paired off with Mr. Turner of Bibb.

Yeas 75.

Nays 29.

So the resolution was adopted.

Mr. Tweedy of Richmond moved that the three resolu-

tions offered by Mr. O'Neal, and adopted, be transmitted forthwith to the Senate ; which motion prevailed.

Mr. Scott of Floyd offered a resolution that,

WHEREAS, Vacancies existed in certain counties in this State, that his Excellency the Governor issue his proclamation to fill said vacancies.

The following communication was received from his Excellency the Provisional Governor by Mr. Lester, his Secretary :

Mr. Speaker :

I am directed by his Excellency the Provisional Governor to deliver to the House the following communication, to wit :

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
ATLANTA, GA., January 31, 1870.

General Orders, No. 13.

Whereas, by the terms of General Orders No. 9, current series, from these Headquarters, A. T. Bennett of Jackson county was declared to be ineligible to a seat in the House of Representatives of Georgia ; and whereas it appears that it is doubtful whether the name of A. J. Bennet of said Jackson county, which appears in the list of persons relieved by the act of Congress from their disabilities, was not intended to be A. T. Bennett : Therefore ordered, that said Order No. 9, as far as it applies to said A. T. Bennett, be, and the same hereby is, revoked.

Whereas, the application for an investigation into the eligibility of Mr. Frank Wilchar of Taylor county to a seat in the House of Representatives has now been withdrawn : Therefore ordered, that the board convened by General Orders No. 3, current series, from these Headquarters, be, and it hereby is, discharged from further consideration of his case ; and so much of General Orders No. 9, current series, as relates to him is hereby revoked.

By order of Brevet Major-General Terry.

J. H. TAYLOR,

Official :

Assistant Adjutant-General.

R. P. HUGHES, A. A. A. G.

Mr. Caldwell of Troup offered a resolution requesting the Congress of the United States to relieve all citizens of this State from all disabilities imposed upon them by the Constitution and laws of the United States, and moved a suspension of the rules that said resolution be taken up; upon which he called for the yeas and nays; which call being sustained, resulted in yeas 61, nays 50.

Those voting in the affirmative are Messrs.—

Armstrong,	Hall of Merriwether,	Perkins of Cherokee,
Anderson,	Hall of Bulloch,	Pepper,
Bethune,	Hall of Glynn,	Price,
Barnum,	Holden,	Reddish,
Ballanger,	Higdon,	Rainey,
Brown,	Harrison of Franklin,	Rumph,
Carpenter,	Hamilton,	Rawles,
Carson,	Harper of Terrell,	Smith of Charlton,
Cobb,	Hook,	Sisson,
Cleghorn,	Harris,	Shumate,
Cloud,	Kyle,	Seale,
Clark,	Lane,	Scott,
Caldwell,	McArthur,	Tumlin,
Erwin,	Matthews,	Tate,
Ford,	Neal,	Vinson,
Fowler,	Nash,	Williams of Morgan,
Fincannon,	Nisbet of Dade,	Walthall,
Felder,	Osgood,	Warren of Quitman,
Gray,	Parks,	Welchel,
Gullatt,	Phillips,	Wilchar.
Gober,		

Those voting in the negative are Messrs.—

Atkins,	Ellis,	Johnson of Spalding,
Allen of Jasper,	Fitzpatrick,	Joiner,
Allen of Hart,	Floyd,	Jackson,
Bell,	Golden,	Linder,
Buchan,	Gardner,	Madden,
Barnes,	Guilford,	Moore,
Beard,	Goodwin,	Madison,
Cunningham,	Hillyer,	Nesbit of Gordon,
Claiborne,	Harrison of Hancock,	O'Neal of Baldwin,
Colby,	Harden,	Porter,
Costin,	Hutchings,	Perkins of Dawson,
Clower,	Houston,	Reid,
Campbell,	Haren,	Richardson,
Davis,	Johnson of Towns,	Smith of Muscogee,

Strickland,
Simms,
Saulter,

Tweedy,
Warren of Burke,

Williams of Harris,
Williams of Harralson,

Yeas 61.

Nays 50.

Mr. O'Neal of Lowndes paired off with Mr. Turnipseed of Clay.

Mr. Maull of Muscogee paired off with Mr. Harkness of Butts.

Mr. Humber of Stewart paired off with Mr. Turner of Bibb.

So the motion, three-fourths not voting in the affirmative, did not prevail.

Mr. Bethune of Talbot offered a resolution appointing a joint committee to examine charges made by the Treasurer of the State against the Executive of the State, as well as any charges that said Treasurer may make before said committee, and conferring upon said committee the power to send for persons and papers.

Mr. Madden offered a resolution that, when the House adjourn, it stands adjourned until the 14th instant.

Mr. Williams of Morgan moved to amend by adding that the members draw no per diem between the time of adjourning and convening.

Mr. Bethune of Talbot offered a resolution restraining the collection of claims made prior to the first of June, 1865, until the General Assembly shall otherwise direct, and moved the suspension of the rules to take up said resolution, which motion did not prevail.

Mr. Smith, from the committee appointed to procure the services of Chaplains to open the proceedings of the House with prayer, submitted the following report:

Hon. R. L. McWhorter,

Speaker of the House of Representatives:

The committee appointed to procure the services of Chaplains to open the proceedings of the House with

prayer, beg leave to submit the following as their report, to wit :

After consultation with different eminent divines, we have procured the services of Dr. W P Harrison and Dr. R. W Fuller of this city, and respectfully recommend these distinguished gentlemen to the consideration of the House, as suitable and efficient ministers of the gospel, for the duties required.

All of which is respectfully submitted.

F M. SMITH of Charlton,
Chairman of Committee.

Which report, on motion, was agreed to.

The following message was received from the Senate, through Mr. Mills, the Secretary :

Mr. Speaker :

The Senate has concurred in the resolution of the House ratifying the Fourteenth and Fifteenth Amendments to the Constitution of the United States; and have also given their assent to the fundamental conditions imposed by Congress striking out the first and third subdivisions of section seventeen of the fifth Article of the Constitution of the State of Georgia, except the proviso of the first subdivision; and I am directed by the Senate to transmit the same forthwith to the House of Representatives.

Mr. Lane, from the committee, appointed to select and report rules for the government of the House during its present session, submitted the following report :

The committee appointed to select and report rules for the government of the House of Representatives, beg leave to report that they recommend the adoption of the same rules therefor, as was adopted at the beginning of the session commenced on 4th of July, 1868.

W A. LANE, Chairman.

Which report, on motion, was concured in.

The following message was received from the Senate, through Mr. Mills, the Secretary.

Mr. Speaker:

I am directed to transmit the following resolution forthwith to the House.

Resolved, That a joint committee, consisting of five from the Senate and seven from the House, be appointed to take into consideration that portion of the Governor's Message relating to charges which have been circulated against him in relation to the use or misapplication of the public funds; and that said committee be authorized to send for persons and papers.

I am further directed to inform the House that the committee on the part of the Senate, under said resolution, are Messrs. Harris, Dunning, Fain, Nunnally and Brock; and I am directed to transmit the same forthwith to the House of Representatives.

Mr. Williams of Morgan moved to suspend the rules to take up said message and concur in the same—upon which motion the yeas and nays were called, and resulted in yeas 72, and nays 44.

Those voting in the affirmative are Messrs.—

Atkins,	Floyd,	Lane,
Allen of Jasper,	Golden,	Linder,
Allen of Hart,	Gardner,	Madden,
Armstrong,	Guilford,	Moore,
Bell,	Goodwin,	Madison,
Buchan,	Hillyer,	McCormick,
Bethune,	Holcombe,	Neal,
Barnes,	Harrison of Hancock,	Nesbit of Gordon,
Bradford,	Hall of Meriwether,	Nisbet of Dade,
Beard,	Harden,	O'Neal of Baldwin,
Cunningham,	Hutchings,	Prudden,
Carpenter,	Holden,	Porter,
Carson,	Hooks,	Parks,
Claiborne,	Houston,	Perkins of Dawson,
Colby,	Haren,	Reid,
Costin,	Harper of Terrell,	Richardson,
Clover,	Johnson of Towns,	Rice,
Campbell,	Johnson of Spalding,	Smith of Charlton,
Davis,	Joiner,	Smith of Muscogee,
Ellis,	Jackson,	Strickland,
Fitzpatrick,	Lastinger,	Simms,

Saulter,	Watkins,	Williams of Haralson,
Tweedy,	Warren of Burke,	Williams of Morgan,
Tumlin,	Williams of Harris,	Zellars.

Those voting in the negative are Messrs.—

Anderson,	Gray,	Pepper,
Barnum,	Gullatt,	Reddish,
Ballanger,	Gober,	Rainey,
Brown,	Hall of Bulloch,	Rumph,
Bryant,	Hall of Glynn,	Sisson,
Cobb,	Higdon,	Shumate,
Cleghorn,	Harrison of Franklin,	Seale,
Clark,	Hamilton,	Scott,
Caldwell,	Hook,	Tate,
Duncan,	Harris,	Vinson,
Erwin,	Kytile,	Walthall,
Ford,	McArthur,	Warren of Quitman,
Fowler,	Matthews,	Welchel.
Fincannon,	Nash,	Wilcher.
Felder,	Perkins of Cherokee,	

Mr. O'Neal of Lowndes paired off with Mr. Turnipseed of Clay.

Mr. Maull of Muscogee paired off with Mr. Harkness of Butts.

Mr. Humber of Stewart paired off with Mr. Turner of Bibb.

Yeas 72.

Nays 44.

So the motion, three-fourths not having voted in favor thereof, did not prevail.

The following message was received from the Senate through Mr. Mills, the Secretary :

Mr. Speaker :

The Senate have adopted a resolution to take a recess, from to-day, until 10 o'clock A. M., the 14th instant, in which they ask the concurrence of the House; and I am directed to transmit the same forthwith to this branch of the General Assembly.

On motion of Mr. Harper of Terrell the foregoing message from the Senate, and the resolution accompanying

the same, was taken up and concurred in, and the House took a recess until 10 o'clock A. M., Monday, the 14th instant.

MONDAY, February 14, 1870.

At the hour of 12 o'clock M. the House met, and was opened with prayer by the Rev. Mr. Smith.

On motion, the calling of the roll was dispensed with.

Journal read and approved.

Mr. Porter of Chatham moved to reconsider so much of the Journal of the last proceedings as relates to the report of the committee appointed by the Chair to procure Chaplains for the use of the House; which motion did not prevail.

The following message was received from his Excellency the Provisional Governor, through Mr. Lester, his Secretary, to wit:

Mr. Speaker:

I am instructed by his Excellency the Provisional Governor to transmit a communication in writing.

Which communication was taken up, read, and is as to wit:

ATLANTA, GA., February 14, 1870.

Hon. R. L. McWhorter, Speaker:

I herewith respectfully transmit the names of A. W. Johnston of Forsyth county and W. G. B. Rogers of Union county, who, as per communication of January 27th, were legally elected Representatives from their respective counties and are prepared to take the oaths required by the act of Congress of December 22, 1869; and respectfully recommend that the said persons be permitted to take the oaths and their seats at once.

RUFUS B. BULLOCK,
Provisional Governor.

In accordance with the communication of his Excellency the Governor, Messrs. A. W. Johnson of Forsyth county, Powell of Decatur county, and Rogers of Union county, appeared, produced their credentials and having taken the oaths prescribed by law, took their seats.

The following message was received from the Senate through Mr. Mills, the Secretary :

Mr. Speaker :

The Senate has adopted the following resolution, in which they ask the concurrence of the House :

Resolved, That the Senate and House of Representatives will proceed on Tuesday, the 15th instant, at 12 o'clock M., to vote, *viva voce*, for one Senator in the United States Congress for the term expiring March 4, 1871 ; one for the term expiring March 4, 1873, and one for the term expiring March 4, 1877, and in accordance with law upon the subject ; and I am directed to transmit the same forthwith to the House of Representatives.

The following message was received from his Excellency the Provisional Governor through Mr. Lester, his Secretary, to wit :

Mr Speaker :

I am instructed by his Excellency the Provisional Governor, to transmit a communication in writing ; which was taken up, read and is as follows, to wit :

ATLANTA, GA., February 14, 1870.

To his Excellency R. B. Bullock,

Governor of Georgia :

I beg leave to inform your Excellency, and through you the House of Representatives, that I was induced to sign an application for pardon, through a mistake, and did not mean thereby to admit that I labored under any disability to take the necessary oaths and resume my seat in the House, as a member from the county of Union. I now

offer to take the oath and respectfully ask that such direction be given the matter as may admit of my doing so, and participating in the proceedings of the House of Representatives as by law, I respectfully submit, that I am entitled to do. Proof of the circumstances under which I was led to defer taking the oath, and of the facts of the case will be submitted as soon as the necessary affidavits can be prepared.

Will your Excellency have the kindness to forward this communication to the House of Representatives, should the matter have passed beyond your control, so that the House may have my case before them when they receive or act upon credentials presented by, or upon behalf of, my competitor.

I have the honor to be, Governor, very respectfully, your obedient servant,

J. H. PENLAND.

In connection with which communication Mr. Shumate of Whitfield offered an affidavit, which he requested read, which was refused, and Mr. Shumate then offered said affidavit by way of a protest, and requested that the same be read; which request the Chair refused to entertain. Mr. Shumate then appealed from the decision of the Chair; which appeal the Speaker refused to entertain.

Mr. Tweedy of Richmond moved that the message from the Senate be taken up and concurred in, and the resolution accompanying the same be taken up and adopted; which motion prevailed, and the message concurred in, the resolution adopted, and is as follows, to wit:

Resolved, That the Senate and House of Representatives will proceed, on Tuesday, the 15th instant, at 12 o'clock M., to vote *viva voce* for one Senator in the United States Congress, for the term expiring March the 4th, 1871; one for the term expiring March the 4th, 1873; and one for the term expiring March the 4th, 1877, and in accordance with law upon the subject.

Mr. Hillyer of Camden offered a resolution granting the use of this Hall to Mrs. Oliver, to deliver a lecture upon female suffrage; which resolution was taken up, read, and adopted.

On motion, the House adjourned until 10 o'clock A. M., to-morrow.

TUESDAY, February 15, 1870.

10 o'clock A. M.

The House of Representatives met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Clark.

On motion of Mr. Johnson of Towns the calling of the roll was dispensed with.

Journal read and approved.

Mr. Bryant of Richmond moved to reconsider so much of the Journal of yesterday as relates to the adoption of the joint resolution bringing on the election of United States Senators to-day, at 12 o'clock M.; which motion the Chair ruled could not be considered, because said resolution had been transmitted to the Senate.

Mr. Fitzpatrick of Bibb appealed from the ruling of the Chair; on which appeal the yeas and nays were called, and sustained, and resulted in yeas 76, and nays 36.

Those voting in the affirmative were Messrs.—

Atkins,	Franks,	Johnson of Spalding,
Allen of Jasper,	Floyd,	Joiner,
Allen of Hart,	Felder,	Jackson,
Armstrong,	Golden,	Lee,
Bell,	Gardner,	Lane,
Bethune,	Guilford,	Linder,
Belcher,	Goodwin,	Lindsey,
Barnes,	Gray,	Moore,
Beard,	Hillyer,	Maxwell,
Cunningham,	Holcombe,	Madison,
Carson,	Harrison of Hancock,	McCormick,
Claiborne,	Hall of Merriwether,	Neal,
Colby,	Harden,	Nesbitt of Gordon,
Costin,	Hutchings,	O'Neal of Lowndes,
Clower,	Hooks,	O'Neal of Baldwin,
Campbell,	Houston,	Prudden,
Darnell,	Haren,	Powell,
Davis,	Hamilton,	Porter,
Duncan,	Johnson of Forsyth,	Perkins of Dawson,
Ellis,	Johnson of Towns,	Reid,

Rogers ,	Sewell,	Turner,
Richardson,	Strickland.	Warren of Burke,
Rice,	Saulter,	Williams of Harris,
Smith of Charlton,	Tweedy,	Williams of Haralson,
Smith of Muscogee,	Thomason,	Zellers.

Those voting in the negative were Messrs.—

Ballanger,	Hall of Bulloch,	Rumph,
Brown,	Hall of Glynn,	Stone,
Bryant,	Harper of Sumter,	Sorrells,
Cobb,	Humber,	Sisson,
Cleghorn,	Hook,	Scott,
Cloud,	McDougald,	Tumlin,
Clark,	McArthur,	Tate,
Erwin,	Matthews,	Turnipseed,
Fitzpatrick,	Nash,	Williams of Morgan,
Ford,	Osgood,	Warren of Quitman,
Fowler,	Rainey,	Welchel,
Gober,	Rosser,	Wilcher.

Yeas 76.

Nays 36.

So the appeal was not sustained.

Mr. Brewster of Harris and Mr. Bennett of Jackson appeared, produced their credentials, and having taken the oaths prescribed by law, took their seats.

The following message was received from his Excellency the Provisional Governor, through Mr. Corson, his Secretary, to wit:

Mr. Speaker:

I am directed by his Excellency the Provisional Governor to deliver a communication in writing.

Which communication was taken up, read and is as follows:

ATLANTA, GA., February 15, 1870.

Hon. R. L. McWhorter, Speaker:

I herewith respectfully transmit the name of T. F. Brewster of Harris county, who as per communication of January 27, was legally elected a Representative from said county, and is prepared to take the oaths required by the

Act of Congress of December 22, 1869; and respectfully recommend that Mr. Brewster be permitted to take the oath and his seat at once.

RUFUS B. BULLOCK,
Provisional Governor.

Mr. Scott of Floyd moved that Mr. Smith of Telfair county be allowed to take the oath.

On motion of Mr. O'Neal of Lowndes, the House took a recess until 11½ o'clock A. M.

11½ O'CLOCK A. M.

The House re-assembled.

Mr. Scott of Floyd renewed his motion that Mr. Smith of Telfair take the oath.

The following message was received from his Excellency the Provisional Governor, through Mr. Corson, his Secretary, to wit:

Mr. Speaker:

I am directed by his Excellency the Provisional Governor, to deliver a communication in writing.

Which communication was taken up, read and is as follows:

“ATLANTA, February 15, 1870.

Hon. R. L. McWhorter, Speaker

I herewith respectfully transmit the name of Joday Harris of Glascock county who, as per communication of January 27, was legally elected a representative from said county, and is prepared to take the oaths required by the acts of Congress of December 22, 1869, and respectfully recommend that Mr. Harris be permitted to take the oath and his seat at once.

RUFUS B. BULLOCK,
Provisional Governor.

Mr. Harris of Glascock appeared, produced his credentials, and having taken the oaths prescribed by law, took his seat.

Mr. Johnson of Spalding offered the following resolution:

Resolved, That the election of Senators proceed in the following order: The election for the long term first, the middle term second, and the short term last; which resolution was taken up, read and adopted.

Mr. Bryant of Richmond gave notice that he would enter a protest against the election of United States Senators.

The hour of 12 M. having arrived, the House proceeded with the election of a United States Senator; the members voting *viva voce* for the term ending March the 5th, 1877; when, upon receiving and adding up the votes, it appeared that the Hon. Foster Blodgett had received 84; scattering 1.

Those voting for Hon. Foster Blodgett are Messrs.—

Atkins,	Holcombe,	O'Neal of Lowndes,
Allen of Jasper,	Harrison of Hancock,	O'Neal of Baldwin,
Allen of Hart,	Hall of Meriwether,	Prudden,
Bell,	Hall of Bulloch,	Powell,
Bennett,	Harden,	Porter,
Bethune,	Hutchings,	Page,
Brewster,	Hooks,	Parks,
Belcher,	Houston,	Perkins of Dawson,
Barnes,	Haren,	Perkins of Cherokee,
Beard,	Hamilton,	Reid,
Cunningham,	Harris of Glascock,	Rogers.
Carson.	Johnson of Forsyth,	Richardson,
Claiborne,	Johnson of Towns,	Rice,
Colby,	Johnson of Spalding,	Smith of Charlton,
Costin,	Joiner,	Smith of Muscogee,
Clowers,	Jackson,	Sewell,
Campbell,	Lee,	Strickland,
Darnell,	Lane,	Simms,
Davis,	Linder,	Saulter,
Ellis,	Lindsey,	Tweedy,
Fitzpatrick,	Madden,	Thomason,
Franks,	Moore,	Turner,
Floyd,	Maxwell,	Warren of Burke,
Golden,	Maull,	Williams of Harris,
Gardner,	Madison,	Williams of Haralson,
Guilford,	McCormick,	Welchel,
Goodwin,	Neal,	Zellars,
Gober,	Nesbit of Gordon,	Mr. Speaker.
Billyer,		

Those voting for Hon. Mr. Harrison are Messrs.—
Stone.

Blodgett 84.
Harrison 1.
Scattering 1.

The House then proceeded with the election of a United States Senator, the members voting *viva voce*, for the term ending March 4th, 1873, when upon receiving and adding up the votes, it appeared that the Hon. Henry P Farrow had received 80 votes. Scattering 2.

Those voting in favor of the Hon. Henry P Farrow, are Messrs.—

Atkins,	Hillyer,	O'Neal of Lowndes,
Allen of Jasper,	Holcombe,	O'Neal of Baldwin,
Allen of Hart,	Harrison of Hancock,	Prudden,
Bell,	Hall of Meriwether,	Powell,
Bennett,	Harden,	Porter,
Buchan,	Hutchings,	Page,
Bethune,	Hooks,	Perkins of Dawson,
Belcher,	Houston,	Reid,
Barnes,	Haren,	Rogers,
Beard,	Harris of Glascock,	Richardson,
Cunningham,	Johnson of Forsyth,	Rice,
Carson,	Johnson of Towns,	Smith of Charlton,
Claiborne,	Johnson of Spalding,	Smith of Muscogee,
Colby,	Joiner,	Sewell,
Costin,	Jackson,	Strickland,
Clowers,	Lee,	Simms,
Campbell,	Lane,	Stone,
Darnell,	Linder,	Saulter,
Davis,	Lindsey,	Tweedy,
Ellis,	Madden,	Thomason,
Fitzpatrick,	Moore,	Turner,
Franks,	Maxwell,	Warren of Burke,
Floyd,	Maul,	Williams of Harris,
Golden,	Madison,	Williams of Haralson,
Gardner,	McCormick,	Zellers,
Guilford,	Neal,	Mr. Speaker.
Goodwin,	Nesbit of Gordon,	

Farrow, 80.
Scattering, 2.

The House then proceeded with the election of a United States Senator, the members voting *vice voce*, for the term ending March 4, 1871, when upon receiving and adding up the votes it appeared that the Hon. Richard H. Whiteley had received 82; scattering 1.

Those voting in favor of Hon. Richard H. Whiteley are Messrs.—

Atkins,	Hillyer,	O'Neal of Lowndes,
Allen of Jasper,	Holcombe,	O'Neal of Baldwin,
Allen of Hart,	Harrison of Hancock,	Prudden,
Armstrong,	Hall of Meriwether,	Powell,
Bell,	Harden,	Porter,
Bennett,	Hutchings,	Page,
Bethune,	Hooks,	Perkins of Dawson,
Belcher,	Houston,	Perkins of Cherokee,
Barnes,	Haren,	Reid,
Beard,	Hamilton,	Rogers,
Cunningham,	Harris of Glascock,	Richardson,
Carpenter,	Johnson of Forsyth,	Rice,
Carson,	Johnson of Towns,	Smith of Charlton,
Claiborne,	Johnson of Spalding,	Smith of Muscogee,
Colby,	Joiner,	Sewell,
Costin,	Jackson,	Strickland,
Clowers,	Lee,	Simms,
Campbell,	Lane,	Stone,
Darnell,	Linder,	Saulter,
Davis,	Lindsey,	Tweedy,
Ellis,	Madden,	Thomason,
Fitzpatrick,	Moore,	Turner,
Franks,	Maxwell,	Warren of Burke,
Floyd,	Maull,	Williams of Harris,
Golden,	Madison,	Williams of Haralson,
Gardner,	McCormick,	Zellars,
Guilford,	Neal,	Mr. Speaker.
Goodwin,	Nesbit of Gordon,	

Those voting for Mr. H. G. Cole are Messrs.—
Gober.

Whiteley 82.
Scattering 1.

On motion of Mr. Tweedy of Richmond the House (after granting leave of absence, for four days, to Mr. Walthall

of Polk, on important business; Mr. Holden of Taliaferro for a few days, on account of death in his family; and to Messrs. Paulk of Berrien, Price of Lumpkin, Rawls of Effingham, Harrison of Franklin, Higdon of Decatur, for a few days, on account of sickness in their families,) adjourned until 11.30 o'clock A. M., to-morrow

WEDNESDAY, February 16, 1870,
11.30 o'clock A. M.

The House of Representatives met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Smith.

On motion, the calling of the roll was dispensed with.

Journal read and approved.

Mr. Bryant of Richmond offered a protest, of which he gave notice yesterday, against the election of United States Senators—which protest was spread upon the Journals, and is as follows, to wit :

Mr. Speaker :

The undersigned members of this House respectfully protest against the action of the General Assembly in electing United States Senators at this time.

The election of a Senator for the term ending March 4, 1870, is clearly illegal, for the term does not commence until March 4, 1871, and section 1363 of the Code of Georgia provides that, "The election of Senators in the United States Congress from this State shall be held by the General Assembly during the sitting or session which immediately precedes the beginning of the term which they are to fill." The next regular session of the General Assembly, which meets in January, 1871, is the "sitting or session which immediately precedes the beginning of the term" which commences on the 4th March, 1871.

At the first regular session of the General Assembly under the present Constitution, Hon. Joshua Hill was duly elected a Senator for the term ending March 4th, 1873, and Hon. H. V. M. Miller for the term ending March 4, 1871.

They received from his Excellency Rufus B. Bullock credentials signed by him as Governor of Georgia, in the usual form, certifying that they were duly elected. Owing to causes which do not effect the election of said Senators, their credentials have not been finally acted upon by the United States Senate, but there is reason to believe that they will be very soon acted upon, and that Messrs. Hill and Miller will be seated in that body.

We further protest against the election of United States Senators upon the ground that the General Assembly has not been legally organized in accordance with the late Act of Congress.

(Signed.)

J. E. BRYANT,

Representative from Richmond county.

A. J. WILLIAMS,

Representative from Morgan county.

C. K. OSGOOD,

Representative from Chatham county.

Mr. Scott of Floyd offered a protest against the election of United States Senators and the illegal organization of this House.

Mr. Darnell of Pickens moved that said protest be laid upon the table; which motion prevailed.

Mr. Darnell of Pickens moved that the Clerk inform the Senate that the House is now ready to receive them to consolidate the vote cast upon yesterday for United States Senators; which motion prevailed.

Mr. Scott moved to take up a resolution requesting the Governor to order an election for members in those counties now unrepresented in this branch of the General Assembly.

The hour of 12 having arrived, the Senate attended in the hall of the House of Representatives, when the General Assembly proceeded to consolidate the vote of the two Houses cast on yesterday for a United States Senator for the term commencing March 4, 1871, and ending March 4, 1877; and, on consolidating the same, it appeared that the Hon. Foster Blodgett had received 115; scattering 1.

Those voting for Hon. Foster Blodgett are Messrs.—

SENATORS.

Bowers,	Griffin 6th,	Sherman,
Bradley,	Harris,	Smith 7th,
Brock,	Henderson,	Smith, 36th
Bruton,	Higbee,	Speer,
Campbell,	Hungerford,	Stringer,
Colman,	Jones,	Traywick,
Corbitt,	Merrill,	Wallace,
Crayton,	McArthur,	Wellborn,
Dickey,	McWhorter,	Welch,
Dunning,	Richardson,	Mr. President.
Fain,		

Mr. Blodgett 31.

Those voting for Hon. Foster Blodgett are Messrs.—

REPRESENTATIVES.

Atkins,	Holcombe,	O'Neal of Lowndes,
Allen of Jasper,	Harrison of Hancock,	O'Neal of Baldwin,
Allen of Hart,	Hall of Meriwether,	Prudden,
Bell,	Hall of Bulloch,	Powell,
Bennett,	Harden,	Porter,
Bethune,	Hutchings,	Page,
Belcher,	Hooks,	Parks,
Barnes,	Houston,	Perkins of Dawson,
Beard,	Haren,	Perkins of Cherokee,
Cunningham,	Hamilton,	Reid,
Carson,	Harris of Glascock,	Rogers,
Claiborne,	Johnson of Forsyth,	Richardson,
Colby,	Johnson of Towns,	Rice,
Costin,	Johnson of Spalding,	Smith of Charlton,
Clowers,	Joiner,	Smith of Muscogee,
Campbell,	Jackson,	Sewell,
Darnell,	Lee,	Strickland,
Davis,	Lane,	Simms,
Ellis,	Linder,	Saulter,
Fitzpatrick,	Lindsey,	Tweedy,
Franks,	Madden,	Thomason,
Floyd,	Moore,	Turner,
Golden,	Maxwell,	Warren of Burke,
Gardner,	Maull,	Williams of Harris,
Guilford,	Madison,	Williams of Haralson,
Goodwin,	McCormick,	Welchel,
Gober,	Neal,	Zellars,
Hillyer,	Nesbit of Gordon,	Mr. Speaker.

Mr. Blodgett 84.

Scattering 1.

The Hon. Foster Blodgett having received a majority of the whole number of votes cast, he was declared duly elected United States Senator for the term commencing March 4, 1871, and ending March 4, 1877

The General Assembly then proceeded to consolidate the vote of the two Houses cast on yesterday for a United States Senator for the term ending March 4, 1873, and on consolidating the same it appeared that the Hon. Henry P. Farrow had received 109; scattering 2.

Those voting for the Hon. H. P. Farrow are Messrs.—

SENATORS.

Bowers,	Griffin 6th,	Sherman,
Bradley,	Harris,	Smith 7th,
Brock,	Henderson,	Smith 36th,
Bruton,	Higbee,	Speer,
Campbell,	Hungertford,	Stringer,
Colman,	Jones,	Traywick,
Corbitt,	Mathews,	Wallace,
Crayton,	Merrill,	Welch,
Dickey,	McWhorter,	Mr. President.
Dunning,	Richardson,	

Mr. Farrow 29.

REPRESENTATIVES.

Atkins,	Campbell,	Hutchings,
Allen of Jasper,	Darnell,	Hooks,
Allen of Hart,	Davis,	Houston,
Bell,	Ellis,	Haren,
Bennett,	Fitzpatrick,	Harris of Glascock,
Buchan,	Franks,	Johnson of Forsyth,
Bethune,	Floyd,	Johnson of Towns,
Belcher,	Golden,	Johnson of Spalding,
Barnes,	Gardner,	Joiner,
Beard,	Guilford,	Jackson,
Cunningham,	Goodwin,	Lee,
Carson,	Hillyer,	Lane,
Claiborne,	Holcombe,	Linder,
Colby,	Harrison of Hancock,	Lindsey,
Costin,	Hall of Meriwether,	Madden,
Clowers,	Harden,	Moore,

Maxwell,	Page,	Stone,
Mauill,	Perkins of Dawson,	Saulter,
Madison,	Reid,	Tweedy,
McCormick.	Rogers,	Thomason,
Neal,	Richardson,	Turner,
Nesbit of Gordon,	Rice,	Warren of Burke,
O'Neal of Lowndes,	Smith of Charlton,	Williams of Harris,
O'Neal of Baldwin,	Smith of Muscogee,	Williams of Haralson,
Prudden,	Sewell,	Zellers,
Powell,	Strickland,	Mr. Speaker.
Porter,	Simms,	

Mr. Farrow 80.

Scattering 2.

The Hon. Henry P. Farrow having received a majority of the whole number of votes cast, he was declared duly elected United States Senator, for the term ending March 4, 1873.

The General Assembly then proceeded to consolidate the vote of the two Houses cast on yesterday, for a United States Senator, for the term ending March 4, 1871, and on consolidating the same, it appeared that the Hon. Richard H. Whiteley had received 110; scattering 1.

Those voting for Mr. Whiteley are Messrs.—

SENATORS.

Bowers,	Griffin,	Sherman,
Bradley,	Harris,	Smith 7th,
Brock,	Henderson,	Smith 36th,
Bruton,	Higbee,	Speer,
Campbell,	Hungerford,	Stringer,
Colman,	Jones,	Traywick,
Corbitt,	Merrill,	Wallace,
Crayton,	McWhorter,	Welch,
Dickey,	Richardson,	Mr. President.
Dunning,		

Mr. Whiteley 28.

REPRESENTATIVES.

Atkins,	Holcombe,	O'Neal of Lowndes,
Allen of Jasper,	Harrison of Hancock,	O'Neal of Baldwin,
Allen of Hart,	Hall of Meriwether,	Prudden,

Armstrong,	Harden,	Powell,
Bell,	Hutchings,	Porter,
Bennett,	Hooks,	Page,
Bethune,	Houston,	Perkins of Dawson,
Belcher,	Haren,	Perkins of Cherokee,
Barnes,	Hamilton,	Reid,
Beard,	Harris of Glascock,	Rogers,
Cunningham,	Johnson of Forsyth,	Richardson,
Carson,	Johnson of Towns,	Rice,
Claiborne,	Johnson of Spalding,	Smith of Charlton,
Colby,	Joiner,	Smith of Muscogee,
Costin,	Jackson,	Sewell,
Clowers,	Lee,	Strickland,
Campbell,	Lane,	Simms,
Darnell,	Linder,	Stone,
Davis,	Lindsey,	Saulter,
Ellis,	Madden,	Tweedy,
Fitzpatrick,	Moore,	Thomason,
Franks,	Maxwell,	Turner,
Floyd,	Maul,	Warren of Burke,
Golden,	Madison,	Williams of Harris,
Gardner,	McCormick,	Williams of Haralson,
Guilford,	Neal,	Zellers,
Goodwin,	Nesbit of Gordon,	Mr. Speaker.
Hillyer,		

Mr. Whiteley 82.

Scattering 1.

The Hon. Richard H. Whiteley having received a majority of the whole number of votes cast, he was declared duly elected United States Senator for the term ending March the 4th, 1871.

On motion of Senator Speer the Senate repaired to their chamber.

Mr. Scott of Floyd moved to take up his resolution requesting the Governor to order an election in those counties wherein vacancies now exist.

Mr. O'Neal of Lowndes moved that said motion be laid upon the table.

Mr. Scott of Floyd called for the yeas and nays upon said motion; which call being sustained resulted in yeas 68, and nays 48.

Those voting in the affirmative are Messrs.—

Atkins,	Goodwin,	O'Neal of Baldwin,
Allen of Jasper,	Hillyer,	Powell,
Allen of Hart,	Holcombe,	Porter,
Bell,	Harrison of Hancock,	Page,
Belcher,	Harden,	Perkins of Dawson,
Barnes,	Hutchings,	Rogers,
Beard,	Houston,	Richardson,
Cunningham,	Haren,	Rice,
Carson,	Johnson of Forsyth,	Smith of Charlton,
Claiborne,	Johnson of Towns,	Smith of Muscogee,
Colby,	Johnson of Spalding,	Strickland,
Costin,	Joiner,	Simms,
Clowers,	Jackson,	Stone,
Campbell,	Lee,	Saulter,
Darnell,	Lane,	Tweedy,
Davis,	Linder,	Thomason,
Ellis,	Lindsey,	Turner,
Fitzpatrick,	Madden,	Watkins,
Franks,	Moore,	Warren of Burke,
Floyd,	Maull,	Williams of Harris,
Golden,	McCormick,	Williams of Haralson,
Gardner,	Nesbit of Gordon,	Zellers.
Guilford,	O'Neal of Lowndes,	

Those voting in the negative are Messrs.—

Bennett,	Gullatt,	Rainey,
Bethune,	Hall of Meriwether,	Rosser,
Brewster,	Hall of Bullock,	Rumph,
Ballanger,	Hall of Glynn,	Sorrells,
Brown,	Harkness,	Sisson,
Bryant,	Hamilton,	Shackleford,
Cobb,	Harper of Sumter,	Scott,
Cleghorn,	Humber,	Scroggins,
Cloud,	Hook,	Tate,
Clark,	McArthur,	Turnipseed,
Duncan,	Matthews,	Vinson,
Erwin,	Nash,	Williams of Morgan,
Ford,	Osgood,	Warren of Quitman,
Fowler,	Parks,	Welchel,
Felder,	Pepper,	Wilcher.
Gray,	Reddish,	

Yeas 68.

Nays 48.

So the motion prevailed.

The following message was received from his Excellency the Provisional Governor through Mr. Corson, his Secretary, to wit:

Mr. Speaker:

I am directed by his Excellency the Provisional Governor to deliver a communication in writing.

Which communication was taken up, read, and is as follows, to wit:

ATLANTA, GA., February 16th, 1870.

To the Senate and House of Representatives of the Provisional Legislature:

Some misapprehension having arisen as to the effect of the act of Congress of December 22, 1869, upon the ordinary legislative acts of the Legislature of 1868 and 1869, I deem it proper to say that, in my judgment, the act of Congress referred to does not render invalid any of the ordinary laws passed by those bodies.

The Reconstruction Acts of March 3, 1867, and July 13, 1867, in express terms declared that no "legal State government" existed in the States therein named. Yet the ordinances of the Convention of 1865, and the acts of the Legislatures of 1865 and 1866 have been uniformly, by the military authorities and by our own courts, held legal and binding. The "scaling ordinance" of the Convention of 1865, the "evidence law" of 1866, both acts of immense importance, were, during the whole administration of General Pope and General Meade, enforced by the courts as valid and binding laws. Yet these acts were passed by bodies which Congress declared to be legislatures of no "legal State governments."

General Pope and General Meade were put in command in this State to enforce "the laws." The courts of Georgia, sitting under the administration of the military authorities of the United States, never for a moment seem to have thought that the acts of the Legislatures of 1865 and 1866 were not laws, and yet Congress had in express

terms declared that "no legal State government existed in the State."

It would seem from this action that the declaration of Congress "that no legal State governments exists in the the late rebel States," must be understood in a qualified sense, to-wit: No legal State competent to take part in the government of the Union and proper to be recognized as State Governments under the Constitution of the United States.

It was not the intent of Congress, by any of its reconstruction legislation, to render invalid any of the laws passed by the Legislatures it subsequently declared illegal, except so far as those laws were obnoxious to the Constitution and laws of the United States.

It is true it has not been the policy to permit legislative assemblies, as such, to convene and legislate, except for specific purposes, during the military regime, but the whole purpose of the Government has been to recognize as valid laws actually passed and not repudiated by the United States.

The simple fact that from March, 1867, to July, 1868, the Courts of this State during the administration of Generals Pope and Meade, and before the Convention of 1868 had ratified those laws, administered, without question, the ordinances of the Convention of 1865, and the acts of the Legislatures of 1865 and 1866, is a judicial determination of the highest tribunals known to our law, that the ordinary laws of said bodies were valid and binding as the acts of a Legislature *de facto*, however illegal the bodies might themselves have been as "State Legislatures" in view of the reconstruction acts.

During the existence of the military supervision, meeting of legislative bodies, except for specific purposes, have been deemed incompatible with the actual state of affairs; but in all the States laws passed by bodies, meeting as such, when the military power was in fact withdrawn, have been uniformly recognized and acted upon as valid and binding.

It is, therefore, I think, apparent from the uniform action of the courts, and of the United States authorities, that

the laws of the Legislature of 1868 and 1869, and its acts which were not of a political character, are perfectly valid, notwithstanding the United States, by the act of December 22, 1869, has, in effect, declared that "no legal State Government existed in this State" at that time, and that the impression which is sought to be created that contracts are invalidated, that State bonds are repudiated, and that corporations organized upon the basis of the late legislation, are without legal foundation, is entirely groundless; and such impression is only created for the purpose of misleading the public mind, and defeating the full effect and true intent and purpose of the reconstruction acts. Argument upon this point seems to be superfluous in the face of the material fact that our bonds are saleable at a higher rate than those of any other Southern State; and that the bonds of railroads which have been endorsed under the authority of legislation of 1868 are selling at their full value.

It has been suggested to me from various quarters, that it would be wise for your body to take some action for the temporary relief of the people from the present pressure for the payment of the war debts, contracted before 1865, now made doubly burdensome by the late decision of the Supreme Court of the United States, that those contracted before 1862 are payable in gold.

As, however, in my judgment, until your action to complete the reconstruction of the State is accepted by Congress, it is not proper for you to undertake general legislation; I would respectfully suggest that you adopt some resolution expressive of the wishes of the General Assembly on this subject with the hope that the General Commanding may by his order cause the same to be enforced.

When the last step in the reconstruction work shall have been taken by the declaration of the result of the Senatorial election, I would respectfully recommend that a recess be taken for such a time as may to you seem best pending the action of Congress for our admission.

RUFUS B. BULLOCK,
Provisional Governor.

Messrs. Darnell, J. E. J. Franks, Edwin Belcher and B. F. Powell, were allowed the privilege of recording their votes in favor of the joint resolutions, adopting the fourteenth and fifteenth amendments to the Constitution of the United States, also the fundamental conditions imposed by Congress—also to Mr. G. S. Rosser to record his vote against said amendments and conditions: circumstances having prevented them from voting upon said resolutions at the time of their adoption.

Mr. Bethune of Talbot moved to take up the following resolution:

Resolved by the Senate and House of Representatives, That we recommend that the military commander of this district do issue an order restraining and enjoining marshals and constables, and all other officers, from levying or otherwise enforcing the collection of all debts or liabilities contracted prior to the first of June, 1865, until the General Assembly of the State shall otherwise direct.

Mr. O'Neal of Lowndes offered the following as a substitute:

Resolved, 1st, That all proceedings in the several courts of this State, founded on any debt or contract made or entered into before the first of June, 1865, and all levies and sales by virtue of any execution so founded, shall be, and are hereby, stayed until twenty days after the recess taken by this General Assembly shall have expired.

Resolved, 2d, That the General Assembly, in compliance with the just demands of the people, earnestly appeal to Major-General A. H. Terry to sanction and enforce the above resolution after its approval by the Provisional Governor.

Mr. Harper of Terrell moved to lay the resolution on the table; which motion did not prevail.

The following message was received from the Senate through Mr. Mills, their Secretary:

Mr. Speaker:

The Senate has adopted the following resolution, in which they ask the concurrence of the House:

Resolved by the General Assembly, the House of Representatives concurring herein, That the Governor be requested to draw his warrant on the treasury in favor of the officers, clerks, door-keeper, messenger and employees of the respective Houses for such sum of money as may be due to each, upon the certificate of the Secretary of the Senate and Clerk of the House of Representatives, and that such amount be charged in final settlement; and I am directed to transmit the same forthwith to the House of Representatives.

The House proceeded with the consideration of Mr. O'Neal's substitute for Mr. Bethune's resolution.

Pending the consideration of which, Mr. Lane of Brooks having the floor, the House, after granting leave of absence to Messrs. Lastinger and McDougald for a few days, on account of sickness in their families, adjourned until 10 o'clock A. M. to-morrow.

THURSDAY, February 17, 1870,
10 o'clock A. M.

The House of Representatives met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Fuller.

On motion, the calling of the roll was dispensed with.

Journal read and approved.

Mr. Scott of Floyd moved to reconsider so much of the Journal of Yesterday, as relates to his Protest against the election of United States' Senators, and the illegal organization of this House, which motion was laid upon the table.

Mr. Scott of Floyd moved to reconsider so much of the Journal of yesterday as relates to his motion to take up his

resolution, requesting the Governor to order an election for members of this branch of the General Assembly, in those counties wherein vacancies now exist—which motion the chair ruled was out of order.

The House resumed the unfinished business of yesterday, the same being the consideration of Mr. O'Neal's resolution offered as a substitute for Mr. Bethune's resolution, recommending that the military commander of this district do issue an order restraining and enjoining marshals and constables, and all other officers, from levying or otherwise enforcing the collection of all debts and liabilities, contracted prior to the first of June, 1865, until the General Assembly of this State shall otherwise direct.

The previous question called and sustained—the main question put, and the resolution put upon its passage—upon the adoption of which the yeas and nays were called and sustained, resulting in yeas 71, and nays 48.

Those voting in the affirmative were Messrs.—

Atkins,	Hillyer,	Nesbitt of Gordon,
Allen of Jasper,	Holcombe,	O'Neal of Lowndes,
Allen of Hart,	Harrison of Hancock,	O'Neal of Baldwin,
Beil,	Hall of Merriwether,	Prudden,
Bethune,	Harden,	Powell,
Belcher,	Hughes,	Porter,
Barnes,	Hutchings,	Page,
Beard,	Hooks,	Parks,
Cunningham,	Houston,	Reid,
Carson,	Haren,	Rogers,
Claiborne,	Hamilton,	Richardson,
Colby,	Johnson of Towns,	Smith of Charlton,
Costin,	Johnson of Spalding,	Smith of Muscogee,
Clower,	Johnson of Forsyth,	Strickland,
Campbell,	Joiner,	Stone,
Darnell,	Jackson,	Saulter,
Ellis,	Lee,	Seale,
Fitzpatrick,	Lane,	Tweedy,
Floyd,	Linder,	Turner,
Ford,	Lindsey,	Watkins,
Golden,	Madden,	Warren of Burke,
Gardner,	Moore,	Welchel,
Guilford,	Maxwell,	Zellars,
Goodwin,	Maul,	Mr. Speaker.

Those voting in the negative are Messrs.—

Armstrong,	Harkness,	Rainey,
Anderson,	Harper of Sumter,	Rosser,
Ballanger,	Harper of Terrell,	Rumph,
Brown,	Humber,	Sorrells,
Cobb,	Harris of Glascock,	Sisson,
Cleghorn,	Hook,	Shumate,
Cloud,	Harris of Murray,	Shackleford,
Clark,	Madison,	Scott,
Erwin,	Matthews,	Thomason,
Franks,	McCormick,	Turner,
Fowler,	Neal,	Tate,
Felder,	Nash,	Turnipseed,
Gray,	Osgood,	Vinson,
Gullatt,	Perkins of Dawson,	Williams of Morgan,
Hall of Bulloch,	Perkins of Cherokee,	Warren of Quitman,
Higdon,	Reddish,	Wilcher.

Mr. McArthur pared off with Mr. Tumlin.

Yeas 71.

Nays 48.

So the resolution was adopted and is as follows :

Resolved, 1. That all proceedings in the several courts of this State founded on any debt or contract, made or entered into before the first of June, 1865, and all levies and sales, by virtue of any execution so founded, shall be, and are hereby, stayed until twenty days after the recess taken by this General Assembly shall have expired.

Resolved, 2. That the General Assembly, in compliance with the just demands of the people, earnestly appeal to Major-General A. H. Terry to sanction and enforce the above resolution, after its approval by the Provisional Governor.

The House took up the message received from the Senate yesterday, and the resolution accompanying the same; which resolution is as follows :

Resolved by the General Assembly, the House of Representatives concurring herein, That the Governor be requested to draw his warrant on the Treasury in favor of the officers, clerks, door-keeper, messenger, and employees of the

respective Houses, for such sum of money as may be due to each, upon the certificate of the Secretary of the Senate and Clerk of the House of Representatives, and that such amount be charged in final settlement.

Mr. Scott of Floyd moved to lay said resolution upon the table; which motion was lost.

The following message was received from the Senate, through Mr. Mills, their Secretary:

Mr. Speaker:

The Senate has adopted the following resolution, in which they ask the concurrence of the House:

Resolved by the General Assembly, That all proceedings in the several courts of this State, founded on any debt or contract made or entered into before the first of June, 1865, and all levies and sales by virtue of any execution so founded, shall be, and are hereby, stayed until twenty days after the recess taken by this General Assembly shall have expired.

Resolved, That the General Assembly, in compliance with the just demands of the people, earnestly appeal to Major-General A. H. Terry to sanction and enforce the above resolution after its approval by the Provisional Governor.

Which message, on motion of Mr. Lee of Newton, was taken up and concurred in, and the resolution accompanying the same adopted.

The House resumed the consideration of the Senate resolution.

Mr. Hamilton of Scriven moved to amend by striking out the word "employees."

Mr. Shumate of Whitfield moved to amend the amendment, by inserting after the words officers and clerks, the words "authorized by the Code of Georgia," and called for the previous question upon said amendments.

Mr. Porter of Chatham moved to lay said amendments upon the table.

Upon which motion, Mr. Scott of Floyd called for the yeas and nays—which call was sustained, and resulted in yeas 56, and nays 62.

Those voting in the affirmative are Messrs.—

Atkins,	Golden,	Madden,
Allen of Jasper,	Guilford,	Moore,
Allen of Hart,	Goodwin,	Nesbit of Gordon,
Bethune,	Harrison of Hancock,	O'Neal of Lowndes,
Belcher,	Hall of Meriwether,	O'Neal of Baldwin,
Barnes,	Harden,	Powell,
Beard,	Hughes,	Porter,
Cunningham,	Hutchings,	Perkins of Dawson,
Claiborne,	Hooks,	Reid,
Colby,	Houston,	Richardson,
Costin,	Haren,	Smith of Charlton,
Clowers,	Johnson of Towns,	Smith of Muscogee,
Campbell,	Johnson of Spalding,	Stone,
Darnell,	Johnson of Forsyth,	Tweedy,
Davis,	Joiner,	Thomason,
Ellis,	Jackson,	Turner,
Fitzpatrick,	Linder,	Warren of Burke,
Floyd,	Lindsey,	Williams of Harris.

Those voting in the negative are Messrs.—

Armstrong,	Higdon,	Rumph,
Anderson,	Harkness,	Smith of Ware,
Bell,	Hamilton,	Strickland,
Bennett,	Harper of Sumter,	Saulter,
Ballanger,	Harper of Terrell,	Sorrells,
Brown,	Humber,	Sisson,
Carson,	Hook,	Shumate,
Cobb,	Harris of Murray,	Seale,
Cleghorn,	Madison,	Shackleford,
Cloud,	McArthur,	Scott,
Clark,	Matthews,	Tumlin,
Erwin,	McCormick,	Tate,
Franks,	Neal,	Turnipseed,
Ford,	Prudden,	Vinson,
Fowler,	Perkins of Cherokee,	Watkins,
Felder,	Rogers,	Williams of Haralson,
Gray,	Rice,	Williams of Morgan,
Gullatt,	Reddish,	Warren of Quitman,
Gober,	Rainey,	Welchel,
Hillyer,	Rosser,	Wilcher,
Hall of Bulloch,		

Yeas 56.

Nays 62.

So the motion was lost.

The House then took up Mr. Shumate's motion, which prevailed, and the amendments agreed to, and the resolution as amended was adopted, and ordered to be transmitted forthwith to the Senate.

Mr. Scott of Floyd offered a resolution that the members receive no per diem during the late recess, and moved to suspend the rules to take up said resolution; which motion was lost.

Mr. Hillyer of Camden offered a resolution authorizing the Governor to draw his warrant on the Treasurer for \$50.00, in favor of Rev. C. W. Francis, for services rendered in the organization of this House; which resolution was taken up, read and adopted.

Mr. Franks of Bibb offered a resolution authorizing the Messenger of the House to employ three pages, and that their pay shall not exceed one dollar per day each; and moved to suspend the rules to take up said resolution; which motion prevailed.

Mr. Williams of Morgan offered a substitute, but withdrew the same.

Mr. Turner of Bibb moved to amend by striking out one dollar and inserting two dollars per diem.

Mr. Harrison of Hancock called for the previous question; which call was sustained.

Mr. Lane of Brooks moved to amend by giving the Speaker power to appoint the pages; which motion prevailed, and the resolution as amended was adopted.

The Chair announced as the Auditing Committee, Messrs. Tumlin of Randolph, chairman; Neal, Ford, Johnson of Towns, Rainey, Zellars, Hamilton, Porter, Johnson of Spalding, Costin, Watkins, Maxwell and Belcher.

Leave of absence was granted Messrs. Phillips of Echols, and Evans of Thomas, for a few days on account of sickness.

The following message was received from the Senate, through Mr. Mills, their Secretary

Mr. Speaker :

The Senate has adopted the following resolution in which they ask the concurrence of the House:

Resolved, That the General Assembly take a recess for sixty days, to meet again on the eighteenth day of April next, subject to be re-assembled at an earlier day by proclamation of his Excellency the Provisional Governor, and that during such recess the members, officers and constitutional clerks be entitled to no pay except mileage.

And I am directed to transmit the same forthwith to the House of Representatives.

Which, on motion of Mr. Lee of Newton, was concurred in, and the resolution accompanying the same adopted.

On motion of Mr. Harper of Terrell the House adjourned until 3 o'clock P. M.

3 O'CLOCK, P. M.

The House re-assembled.

• Mr. Porter of Chatham offered a resolution that 2,000 copies of the Governor's Message be printed, and moved to suspend the rules to take up said resolution; which motion was lost.

Mr. Tumlin of Randolph offered a resolution:

That party strife cease, and all unite in promoting the welfare and prosperity of the State, by just and wise legislation.

The following message was received from the Senate, through Mr. Mills, the Secretary:

Mr. Speaker:

The Senate refuses to concur in the amendment of the House of Representatives, authorizing the Governor to draw his warrant on the Treasury in favor of officers and employees of the Senate and House of Representatives, and ask the House to recede from their amendment.

And I am directed to transmit the same forthwith to the House of Representatives.

Mr. Costin of Talbot moved to recede from the House amendments to the Senate Resolution; upon which motion the yeas and nays were called and sustained, resulting in yeas 61 and nays 57.

Those voting in the affirmative are Messrs.—

Atkins,	Harrison of Hancock,	Nesbit of Gordon,
Allen of Jasper,	Hall of Meriwether,	O'Neal of Lowndes,
Bethune,	Harden,	O'Neal of Baldwin,
Belcher,	Hughes,	Powell,
Barnes,	Hutchings,	Porter,
Beard,	Hooks,	Perkins of Dawson,
Cunningham,	Houston,	Rogers,
Carson,	Haren,	Richardson,
Claiborne,	Harris of Glascock,	Smith of Charlton,
Colby,	Johnson of Towns,	Smith of Muscogee,
Costin,	Johnson of Spalding,	Sewell,
Clowers,	Johnson of Forsyth,	Simms,
Campbell,	Joiner,	Stone,
Darnell,	Jackson,	Tweedy,
Davis,	Lane,	Thomason,
Ellis,	Linder,	Turner,
Floyd,	Lindsey,	Warren of Burke,
Golden,	Madden,	Williams of Harris.
Gardner,	Moore,	Williams of Haralson,
Guilford,	Neal,	Zellars.
Goodwin,		

Those voting in the negative are Messrs.—

Armstrong,	Harkness,	Rosser,
Anderson,	Hamilton,	Rumph,
Ballanger,	Harper of Sumter,	Smith of Ware,
Brown,	Harper of Terrell,	Strickland,
Cobb,	Humber,	Saulter,
Cleghorn,	Hook,	Sorrells,
Cloud,	Harris of Murray,	Sisson,
Clark,	Madison,	Shumate,
Erwin,	McArthur,	Shackleford,
Fitzpatrick,	Matthews,	Scott,
Franks,	Nash,	Tumlin,
Ford,	Nisbet of Dade,	Tate,
Fowler,	Osgood,	Turnipseed,
Felder,	Prudden,	Vinson,
Gray,	Perkins of Cherokee,	Williams of Morgan,
Gullatt,	Rice,	Warren of Quitman.
Hillyer,	Reddish,	Welchel,
Hall of Bulloch,	Rainey,	Wilcher.
Higdon,		

Yeas 61.

Nays 57.

So the motion prevailed.

Mr. Johnson of Towns offered a resolution tendering the Hon. Foster Blodgett a seat on this floor, which resolution was taken up and adopted.

Mr. Williams of Morgan offered a resolution that John Burnett, C. H. Garwood, Charles Persall and T. A. Johnson, be each paid \$2 00 per day, for services rendered the House, which resolution was taken up, read and adopted.

Mr. Houston of Bryan offered a resolution, that the Atlanta Constitution Reporter be reprimanded by the Speaker, and be excluded from a seat on this floor, unless he cease his misrepresentations.

Mr. Scott of Floyd moved that the Clerk inform the Senate, that the House is now ready, in accordance with the joint resolution concurred in this morning, to take a recess, until the 18th of April next, which motion prevailed.

Mr. Joiner of Dougherty offered a resolution, requesting Major General Terry to take cognizance of all cases, upon application of parties, where impartial justice is not done.

Mr. Franks of Bibb offered a resolution furnishing the new members with necessary books—which resolution was taken up, read and adopted.

Also, a resolution, that no person shall be allowed a seat on this floor, other than the members of this House.

Mr. Hall of Meriwether offered a resolution appointing a committee to investigate the management of the Western and Atlantic Railroad, with power to send for persons and papers.

Mr. Hillyer of Camden offered the following preamble and resolution:

WHEREAS, It hath pleased Almighty God, in his wise providence, to take out of this world the soul of our deceased Brother Robert Lumpkin, of the county of Macon;

AND WHEREAS, It becomes us as members of this branch of the General Assembly, of which the deceased was a fellow-member, to bow submissively to the will of that Providence, which has deprived us of his co-operation and

assistance; his constituents a faithful representative in this Hall; and which has removed from his family a kind and affectionate husband and father;

Be it therefore resolved by the House of Representatives, That we deplore the death of the Hon. Robert Lumpkin, Representative from Macon county, and cheerfully record our appreciation of his modest worth, his integrity as a man, a citizen and a Representative.

Resolved, That we tender to the stricken widow, and the bereaved children of the deceased, our sincerest sympathy.

Resolved, That the Clerk of this House transmit to the family of the deceased a copy of the foregoing resolutions.

Which resolutions and preamble, on motion, were taken up, read and unanimously adopted.

On motion of Mr. Tumlin of Randolph, the House took a recess until the 18th of April next.

MONDAY, April 18, 1870,
12 o'clock M.

The House met pursuant to adjournment.

The roll called, and a quorum found present.

Prayer by the Rev. Mr. Harrison.

Mr. Darnell of Pickens moved that the House take a recess until 12 o'clock, M., Wednesday next, which motion prevailed.

WEDNESDAY, April 20, 1870,
12 o'clock M.

The House of Representatives met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Fuller.

On motion of Mr. Darnell of Pickens, the calling of the roll was dispensed with.

Journal of Monday read and approved.

Mr. Bethune of Talbot moved that the House take a recess until 12 o'clock, M., Monday next.

Mr. O'Neal of Lowndes offered a substitute, that when this General Assembly adjourns, it be until the first Monday in July next, subject however to be assembled by the Provisional Governor and General Commanding, or either of them, at an earlier day, and no member or officer shall draw any per diem or mileage from now until then.

Mr. Scott of Floyd offered as a substitute for the whole, that when the Senate and House of Representatives adjourn, they adjourn *sine die*.

Which substitute Mr. Scott withdrew, but renewed the same, and upon the discussion of which, Mr. Darnell of Pickens raised the point of order, that a motion to adjourn is not debatable. The Speaker ruled that a simple motion to adjourn was not debatable, but that a motion to adjourn in which time was mentioned is debatable.

Upon the adoption of Mr. Scott's substitute the yeas and nays were called and sustained, resulting in yeas 48, and nays 68.

Those voting in the affirmative are Messrs.—

Bennett,	Hook,	Perkins of Cherokee,
Brewster,	Humber,	Rainey,
Brown,	Harper of Sumter,	Rosser,
Ballanger,	Harper of Terrell,	Rumph,
Clark,	Kytle,	Sisson,
Cloud,	Lee,	Shumate,
Cleghorn,	Lane,	Seale,
Evans,	Matthews,	Shackleford,
Felder,	Maxwell,	Scott,
Fowler,	McArthur,	Sorrells,
Fryer,	McDougald,	Tate,
Gray,	Neal,	Vinson,
Gullatt,	Nash,	Walthall,
Higdon,	Paulk,	Warren of Quitman,
Holden,	Phillips,	Williams of Morgan,
Harkness,	Pepper.	Zellars.

Those voting in the negative are Messrs.—

Atkins,	Golden,	McCormick,
Armstrong,	Gardner,	Nesbit of Gordon,
Allen of Jasper,	Guilford,	O'Neal of Lowndes,
Allen of Hart,	Hillyer,	O'Neal of Baldwin,
Bell,	Holcombe,	Price,
Bethune,	Houston,	Porter,
Belcher,	Harden,	Prudden,
Barnes,	Haren,	Perkins of Dawson,
Bryant,	Hughes,	Reid,
Buchan,	Hutchings,	Rice,
Carson,	Harris of Glascock,	Rogers,
Campbell,	Harrison of Franklin,	Richardson,
Caldwell,	Harrison of Hancock,	Sewell,
Clowers,	Joiner,	Strickland,
Claiborne,	Jackson,	Stone,
Costin,	Johnson of Towns,	Saulter,
Colby,	Johnson of Spalding,	Smith of Muscogee,
Cunningham,	Johnson of Forsyth,	Tweedy,
Darnell,	Linder,	Thomason,
Davis,	Madden,	Watkins,
Ellis,	Madison,	Warren of Burke,
Floyd,	Maull,	Williams of Harris,
Goodwin,	Moore,	Williams of Haralson.

Yeas 48.

Nays 69.

So the substitute was lost.

Mr. Williams of Morgan called the previous question upon Mr. O'Neal's substitute.

Mr. Costin of Talbot moved to lay the substitute upon the table.

Upon which motion the yeas and nays were called and sustained, resulting in yeas 67, and nays 45.

Those voting in the affirmative are Messrs.—

Atkins,	Buchan,	Darnell,
Armstrong,	Carson,	Davis,
Allen of Jasper,	Campbell,	Ellis,
Allen of Hart,	Caldwell,	Evans,
Bell,	Clower,	Floyd,
Bethune,	Claiborne,	Goodwin,
Belcher,	Costin,	Gober,
Barnes,	Colby,	Golden,
Bryant,	Cunningham,	Gardner,

Guilford,	Johnson of Forsyth,	Rice,
Hillyer.	Linder,	Rogers,
Holcombe,	Madden,	Richardson,
Houston,	Madison,	Sewell,
Harden,	Maull,	Strickland,
Haron,	Moore,	Stone,
Hughes,	McCormick,	Saulter,
Hutchings,	Nesbit of Gordon,	Smith of Muscogee,
Harris of Glascock,	Osgood,	Twedy,
Harrison of Hancock,	O'Neal of Baldwin,	Thomason,
Joiner,	Price,	Warren of Burke,
Jackson,	Porter,	Williams of Harris,
Johnson of Towns,	Perkins of Dawson,	Williams of Haralson.
Johnson of Spalding,	Reid,	

Those voting in the negative are Messrs.—

Bennett,	Harrison of Franklin,	Rumph,
Brewster,	Kyle,	Sisson,
Brown,	Lee,	Shumate,
Clark,	Lane,	Shackleford,
Cloud,	Matthews,	Scott,
Felder,	McArthur,	Sorrells,
Fowler.	McDougald,	Tate,
Fryer,	Nash,	Vinson,
Gray,	O'Neal of Lowndes,	Watkins,
Gullatt.	Paulk,	Walthall,
Harkness,	Phillips,	Wilchar.
Hook,	Pepper,	Welchel.
Humber,	Prudden,	Warren of Quitman,
Harper of Sumter,	Perkins of Cherokee,	Williams of Morgan.
Harper of Terrell,	Rainey,	Zellars.

Yeas 67

Nays 45.

So the motion prevailed.

Mr. Darnell of Pickens offered a resolution, tendering the use of this Hall to Mr. Jonathan Norcross, to address the laboring men on Saturday evening next, on the subject of labor and capital, which resolution was adopted by general consent, and ordered to be placed upon the Journal.

Mr. Porter of Chatham then called the previous question upon Mr. Bethune's motion—which call was sustained and the vote being taken upon said motion it prevailed and the House took a recess until Monday next, 1 o'clock, M.

MONDAY, April 25, 1870,
12 O'CLOCK, M.

The House of Representatives met pursuant to adjournment and was opened with prayer by the Rev. Mr. Crumley.

On motion of Mr. Darnell of Pickens the calling of the roll was dispensed with.

Journal of Wednesday read and approved.

Mr. Bryant of Richmond moved that the House do now proceed to the transaction of legislative business.

Mr. Darnell offered as a substitute a resolution appointing a committee of three from the Senate, and five from the House, to wait upon his Excellency, Provisional Governor Bullock, and after consultation report the proper course for the General Assembly to pursue, under the surrounding circumstances.

Mr. Price of Lumpkin offered as a substitute for the whole, a resolution appointing a committee of three to wait upon Governor Bullock and inform him that the House has met in accordance with its adjournment, and is ready to receive any communication he may see proper to send him.

Mr. Bryant of Richmond withdrew his motion in favor of Mr Price's resolution.

Mr. Scott of Floyd raised the point of order that the General Assembly having been in session forty days could not sit longer without a two-thirds vote.

Which the Chair ruled was not well taken.

Mr. Scott appealed from the Chair's decision, and the vote being taken upon said appeal the ruling of the Chair was sustained.

Mr. Lee of Newton offered as a substitute for the whole resolution adjourning the General Assembly *sine die*, subject to the call of the Provisional Governor; and that the commanding General be requested to order the general appropriation necessary to carry on the General Government, and pay the members of the Legislature.

Which resolution was read for the information of the House.

Mr. Tweedy of Richmond moved to lay Mr. Price's res-

olution upon the table, and the yeas and nays were called, resulting in yeas 56, and nays 53.

Those voting in the affirmative are Messrs.—

Atkins,	Gardner,	Madison,
Allen of Jasper,	Guilford,	Mauil,
Allen of Hart,	Hillyer,	Moore,
Bell,	Holcombe,	McCormick,
Bethune,	Houston,	Nesbit of Gordon,
Beard,	Harden,	O'Neal of Baldwin,
Barnes,	Haren,	Porter,
Carson,	Hughes,	Perkins of Dawson,
Campbell,	Hutchings,	Reid,
Costin,	Hall of Meriwether,	Rogers,
Colby,	Joiner,	Richardson,
Cunningham,	Jackson,	Smith of Charlton,
Darnell,	Johnson of Towns,	Smith of Muscogee,
Davis,	Johnson of Spalding,	Tweedy,
Ellis,	Johnson of Forsyth,	Thomason,
Fitzpatrick,	Lee,	Watkins,
Floyd,	Linder,	Warren of Burke,
Goodwin,	Lindsey,	Zellars.
Golden,	Madden,	

Those voting in the negative are Messrs.—

Armstrong,	Higdon,	Reddish,
Bennett,	Hook,	Rainey,
Brewster,	Hooks,	Rosser,
Brown,	Humber,	Rumph,
Barnum,	Harris of Murray,	Strickland,
Ballanger,	Harper of Sumter,	Stone,
Bryant,	Harrison of Franklin,	Saulter,
Caldwell,	Kyle,	Sisson,
Clowers,	McArthur,	Seale,
Cleghorn,	McDougald,	Scott,
Claiborne,	Nash,	Scroggins,
Cobb,	Nisbet of Dade,	Turner,
Felder,	Osgood,	Tate,
Fowler,	Price,	Walthall,
Ford,	Paulk,	Welchel,
Fryer,	Phillips,	Warren of Quitman,
Gray,	Pepper,	Williams of Harris.
Gullatt,	Perkins of Cherokee,	

Yeas 56.

Nays 53.

So the motion prevailed.

Mr. Tweedy of Richmond called the previous question upon Mr. Darnell's resolution; which call was sustained, and the vote being taken upon the adoption of said resolution, the yeas and nays were called, resulting in yeas 58, and nays 52.

Those voting in the affirmative are Messrs.—

Atkins,	Houston,	Moore,
Allen of Jasper,	Harden,	McCormick,
Bell,	Haren,	Nesbit of Gordon,
Beard,	Hughes,	O'Neal of Baldwin,
Barnes,	Hutchings,	Porter,
Carson,	Harrison of Hancock,	Prudden,
Campbell,	Hall of Meriwether,	Perkins of Dawson,
Costin,	Joiner,	Reid,
Cunningham,	Jackson,	Rogers,
Darnell,	Johnson of Towns,	Richardson,
Davis,	Johnson of Spalding,	Saulter,
Ellis,	Johnson of Forsyth,	Smith of Charlton,
Fitzpatrick,	Lee,	Smith of Muscogee,
Franks,	Linder,	Tweedy,
Goodwin,	Lindsey,	Thomason,
Golden,	Madden,	Watkins,
Gardner,	Madison,	Warren of Burke,
Guilford,	Maxwell,	Williams of Haralson,
Hillyer,	Maull,	Zellars.
Holcombe,		

Those voting in the negative are Messrs.—

Armstrong,	Gullatt,	Reddish,
Bennett,	Higdon,	Rainey,
Brewster,	Hook,	Rosser,
Brown,	Humber,	Rumph,
Barnum,	Harper of Sumter,	Strickland,
Ballanger,	Harrison of Franklin,	Stone,
Bryant,	Kyle,	Sisson,
Caldwell,	McArthur,	Seale,
Clower,	McDougald,	Scott,
Cleghorn,	Nash,	Scroggins,
Claiborne,	Nisbet of Dade,	Turner,
Cobb,	Osgood,	Tate,
Evans,	Price,	Walthall,
Felder,	Paulk,	Welchel,
Fowler,	Phillips,	Warren of Quitman,
Ford,	Pepper,	Williams of Harris,
Fryer,	Perkins of Cherokee,	Williams of Morgan.
Gray,		

Yeas 58.

Nays 52.

So the resolution was adopted, and the Chair appointed as the committee thereunder, Messrs. Darnell of Pickens, Price of Lumpkin, Bell of Banks, Nisbet of Dade, and Harrison of Hancock.

The following message was received from the Senate through Mr. Mills, the Secretary:

Mr. Speaker:

The Senate has concurred in the resolution of the House appointing a committee to wait on his Excellency "Provisional Governor Bullock and, after consultation, report the proper course for this General Assembly to pursue under the circumstances now surrounding us," and have appointed as such committee, on the part of the Senate, Messrs. Harris, Nunnally and Brock.

Leave of absence was granted to Messrs. Tumlin of Randolph, Williams of Morgan and O'Neal of Lowndes, for a few days on special business.

Also, to Mr. Lastinger of Clinch, for a few days on account of sickness.

On motion the House adjourned until 12 o'clock M., Wednesday next.

WEDNESDAY, April 27, 1870,

12 O'CLOCK, M.

The House of Representatives met pursuant to adjournment and was opened with prayer by the Rev. Mr. Crumley.

On motion the calling of the roll was dispensed with.

Journal of Monday read and approved.

Mr. Darnell, chairman of the committee appointed to wait on the Governor, submitted the following report:

Mr. Speaker:

The committee appointed by the House of Representatives to wait upon his Excellency the Provisional Governor

have performed the duty assigned them, and we herewith submit to the House the suggestions of the Governor, the same being approved by General Terry, and recommend that the suggestions contained in the communication of the Governor, herewith submitted, be adopted and carried out.

S. A. DARNELL,
Chairman Committee.

W R. BELL,
W H. HARRISON.

Without approving the views of Governor Bullock respecting the opinion of Attorney-General Hoar, so far as it may relate to the present status of the Legislature of Georgia, but believing that the General Assembly of Georgia, as now organized, is competent to enact all necessary laws, we nevertheless, under the peculiar situation of the State before Congress at this time, concur in the foregoing report.

W P PRICE,
J. C. NISBET.

The accompanying communication of the Provisional Governor was read, and is as follows:

EXECUTIVE DEPARTMENT,
ATLANTA, GEORGIA, April 27, 1870.

To the Honorable Chairman and Members of the Joint Committee appointed by joint resolution of the Provisional Legislature, April 28, 1870:

GENTLEMEN—After having had the benefit of a full and free consultation with yourselves, and, in your company, with General Terry, touching the subject matter of the resolution by which your committee was authorized to act, I would most respectfully recommend to you, and through you to the Legislature, that, by joint resolution, the Appropriation Act of 1869 be in proper proportion, continued for the first and second quarters of this year; that the Comptroller General be authorized to proceed under the

Tax Act of 1869, and that your honorable body then adjourn until such time in the near future as will be most likely to embrace the action of Congress for the recognition of the State and her admission into the Union; and I would respectfully suggest the first Wednesday in July as a convenient time for re-assembling.

The recommendation in regard to the resolution for the appropriations, &c., is made because we have the assurance of the General commanding this district, that, owing to the pressing necessity for such action, he will give validity to the resolutions, and authorize them to take effect. And the adjournment pending the action of Congress is recommended because of the peculiar political condition in which we are placed. The government of the State being provisional, subject, in all respects to the District Commander under the reconstruction acts, the Legislature cannot proceed to general legislation, unless it shall organize by administering the test oath to its members. This position is established by the opinion of the Honorable Attorney-General of the United States in the case of Virginia. That opinion I had the honor to quote in my communication to the Legislature on February 2, 1870, as follows:

“It is required under the previous law to act upon the question of adopting the * * * [amendments] to the Constitution of the United States before the admission of the States to representation in Congress. I am of the opinion, therefore, that it may come together, organize and act upon that amendment; but until Congress shall have approved the Constitution and the action under it, and shall have restored the State to its proper place in the Union, by recognizing its form of government as republican, and admitting it to representation, the Legislature is not entitled, and could not, without violation of law, be allowed to transact any business, pass any act or resolve, or undertake to assume any other functions of a Legislature, if the test oath has not been required of its members.”

The Legislature having adopted the fundamental conditions and amendments required by the several recon-

struction acts, and having elected Senators, the question whether "Congress shall have approved the Constitution and the action under it, and shall have restored the State to its proper place in the Union, by recognizing its form of government as republican, and admitting it to representation," is now under consideration by Congress, and is not yet decided; it would, therefore, in my opinion, be unwise, if not unlawful, to attempt to enter upon general legislation at this time.

I am assured by the General commanding the district, that he will approve a resolution of the Legislature providing for the appointment of a committee such as was asked for by me in my communication to the Legislature in February last, and which I herewith respectfully repeat, as follows:

"I shall esteem it a personal and official favor if your honorable body will authorize a joint committee to sit during the recess and investigate the indirect charges made by the Treasurer, through the public prints, against the Executive, as well as any and all charges he may now have to present. I would respectfully recommend that the committee be authorized to send for persons and papers and to administer oaths."

It is, also, respectfully recommended that this committee be authorized and directed to inquire as to the Treasurer's use of the public money for his own personal benefit, and into the system of book-keeping in the Treasurer's office.

I would recommend further and finally, that a committee be authorized and directed to inquire into the financial condition and operations of the Western & Atlantic Railroad.

As you, gentlemen of the committee, understand from our interview with the General Commanding the district, he desires to avoid the exercise of any authority whatever in the matter now pending other than the approval which I have heretofore referred to, but expresses the opinion that it would be unwise to enter upon any general legislation at this time.

I would, therefore, respectfully repeat and ask your hon-

orable committee to communicate the same to the Legislature, with my recommendation that, after having duly considered and adopted such regulations with regard to the appropriations, the Tax Act and the committees for investigation, as the wisdom of the General Assembly shall dictate, the two Houses adjourn until such day as that honorable body may determine to be proper for re-assembling.

I am, gentlemen, very respectfully,

RUFUS B. BULLOCK.

Mr. Darnell of Pickens moved that the report of the committee be adopted.

Pending the discussion of which motion, the House, after granting leave of absence to Messrs. Hall of Bulloch, Turnipseed of Clay, Page of Lee, Cloud of Clayton, Harper of Terrell, Shumate of Whitfield, for a few days, on special business, and Mr. Wilcher of Taylor for a few days on account of sickness, adjourned until 10 o'clock A. M. to-morrow.

THURSDAY, April 28, 1870,
10 o'clock A. M.

The House of Representatives met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Crumley.

On motion, the calling of the roll was dispensed with.

Journal of yesterday read and approved.

The House resumed the consideration of the unfinished business of yesterday, the same being the motion of Mr. Darnell of Pickens, to adopt the report of the committee appointed to wait upon his Excellency Provisional Governor Bullock, and, after consultation, report the proper course for the General Assembly to pursue under surrounding circumstances.

The following message was received from the Senate, through Mr. Mills, the Secretary:

Mr. Speaker:

The Senate have adopted the following report:

“The committee appointed by the Senate to wait upon his Excellency the Provisional Governor, have performed the duty assigned them, and we herewith submit to the Senate the suggestions of the Governor, the same being approved by General Terry, and recommended that the suggestions contained in the communication of the Governor herewith submitted, be adopted and carried out.”

In which they ask the concurrence of the House. And I am directed by the Senate to transmit the same forthwith to this branch of the General Assembly.

Mr. Warren of Quitman, offered as an amendment to the report of the committee, a resolution, that in adopting the report of the committee, the recommendations of the Governor shall not be construed so as to prohibit the Legislature from altering, changing or modifying any of the provisions of the Appropriation and Tax Bills of 1869.

Mr. Scott of Floyd offered a substitute for the whole, which the Chair ruled could not now be entertained.

Mr. Porter of Chatham moved to lay Mr. Warren's amendment upon the table; which motion he withdrew.

Mr. Anderson of Cobb called the previous question upon the motion adopting the report of the committee, which call was sustained; and the yeas and nays being demanded upon the adoption of the report, resulted in yeas 88, and nays 35.

Those voting in the affirmative are Messrs.—

Atkins,	Campbell,	Fryer,
Armstrong,	Caldwell,	Goodwin,
Anderson,	Clowers,	Gober,
Allen of Jasper,	Costin,	Golden,
Allen of Hart,	Colby,	Gardner,
Bell,	Cunningham,	Gray,
Bethune,	Darnell,	Guilford,
Beard,	Davis,	Hillyer,
Bennett,	Ellis,	Higdon,
Barnes,	Fitzpatrick,	Holcombe,
Bradford,	Franks,	Holden,
Carson,	Floyd,	Houster,

Harden,	Maxwell,	Rogers,
Haren,	Mauil,	Richardson,
Hamilton,	Moore,	Strickland,
Hutchings,	McCormick,	Simms,
Hooks,	Neal,	Stone,
Harris of Murray,	Nisbet of Dade,	Saulter.
Harris of Glascock,	Nesbit of Gordon,	Scroggins,
Harrison of Hancock,	O'Neal of Baldwin,	Smith of Charlton,
Hall of Meriwether,	Parks.	Smith of Muscogee,
Joiner,	Price,	Tweedy,
Jackson,	Paulk,	Thomason,
Johnson of Towns,	Porter,	Turner,
Johnson of Spalding,	Prudden,	Watkins,
Johnson of Forsyth,	Perkins of Dawson,	Warren of Burke,
Lee,	Reid,	Williams of Harris,
Lane,	Rice,	Williams of Haralson,
Linder,	Reddish,	Zellars.
Lindsey,		

Those voting in the negative are Messrs.—

Brewster,	Gullatt,	Rainey,
Barnum,	Harkness,	Rosser,
Ballanger,	Hook,	Sisson,
Clark,	Humber,	Seale,
Cleghorn,	Harper of Sumter,	Shackleford,
Claiborne,	Harrison of Franklin,	Scott,
Cobb,	Hall of Glynn,	Sorrells,
Duncan,	Kyle,	Tate,
Erwin,	Madden,	Vinson,
Felder,	Matthews,	Walthal,
Fowler,	Nash,	Warren of Quitman.
Ford,	Pepper,	

Yeas 88.

Nays 35.

So the motion prevailed.

Mr. Turner of Bibb offered a resolution sympathizing with those who are sufferers by the late disaster at Richmond, Virginia; which resolution was taken up, read and adopted.

Mr. Darnell of Pickens moved to take up the message from the Senate and concur in the report of the committee accompanying the same; which motion prevailed.

Mr. Scott of Floyd offered a resolution appointing a committee of five, composed of Messrs. Collier, Pope,

Akerman, Lester and Mott, for the purpose of investigating the affairs and management of the Western & Atlantic Railroad; inquiring into the charges against Governor Bullock and the State Treasurer, N. L. Angier, specifying the duties and powers of said committee; and that this House extend its session ten days, for the purpose of passing the General Appropriation and Tax bills for the year 1870, and then adjourn *sine die*.

Mr. Porter of Chatham moved to lay said resolution upon the table; upon which motion the yeas and nays being demanded, resulted in yeas 66, nays 40.

Those voting in the affirmative are Messrs.—

Atkins,	Goodwin,	Maxwell,
Allen of Jasper,	Gober,	Maul,
Allen of Hart,	Golden,	Moore,
Bell,	Gardner,	Nesbit of Gordon,
Bethune,	Guilford,	O'Neal of Baldwin,
Beard,	Holcombe,	Porter,
Barnes,	Houston,	Perkins of Dawson,
Bradford,	Haren,	Reid,
Carson,	Hamilton,	Rogers,
Campbell,	Hughes,	Richardson,
Clower,	Hutchings,	Strickland,
Claiborne,	Hooks,	Simms,
Costin,	Harrison of Hancock,	Saulter,
Colby,	Hall of Meriwether,	Smith of Charlton,
Cunningham,	Joiner,	Smith of Muscogee,
Darnell,	Jackson,	Tweedy,
Davis,	Johnson of Towns,	Thomason,
Duncan,	Johnson of Spalding,	Turner,
Ellis,	Johnson of Forsyth,	Watkins,
Evans,	Lee,	Warren of Burke,
Franks,	Linder,	Williams of Harris,
Floyd,	Madden,	Williams of Haralson.

Those voting in the negative are Messrs.—

Anderson,	Fitzpatrick,	Humber,
Bennett,	Felder,	Harper of Sumter,
Brown,	Fowler,	Harrison of Franklin,
Barnum,	Fryer,	Hall of Glynn,
Ballanger,	Gray,	Kyle,
Cleghorn,	Higdon,	Matthews,
Cobb,	Harkness,	McCormick,
Erwin,	Hook,	Nash,

Paulk,	Stone,	Scroggins,
Phillips,	Sisson,	Sorrells,
Perkins of Cherokee,	Soule,	Vinson,
Rainey,	Shackleford,	Welchel.
Rosser,	Scott.	Warren of Quitman.
Rumph,		

So the motion prevailed.

On motion the House adjourned until 10 o'clock A. M., to-morrow.

FRIDAY, April 29, 1870,
10 o'clock, A. M.

The House of Representatives met pursuant to adjournment, and was opened with prayer by the Rev Mr. Crumley.

On motion, the calling of the roll was dispensed with.

Mr. Darnell of Picken objected to that portion of the Journal, which relates to Mr. Scott's resolution, offered on yesterday, and laid upon the table; which objection was withdrawn, and the Journal approved.

Mr. Porter of Chatham offered a resolution, directing the State Treasurer to pay the colored members of this House, their *per diem* pay, for thirty-three days, a balance due for the session of 1868, and mileage one way; and their *per diem* pay for 1869—66 days; and their mileage both ways—upon their accounts being audited by the Auditing Committee, in accordance with the provisions of this resolution.

Mr. Bryant of Richmond offered a resolution as a substitute, that the Auditing Committee be instructed to audit the accounts of the colored members, for the amount due each, for the portion of the session of 1868, for which they were not paid, and for the session of 1869; and that the Treasurer be authorized to pay each of said members the amount due.

Which substitute Mr. Porter accepted the verbiage of Mr. Bryant's resolution in lieu of his resolution.

Mr. Tweedy of Richmond raised the point of order, that as the resolution contemplated an appropriation of money, it could only be considered in Committee of the Whole—which point the Chair ruled was not well taken.

Mr. Costin of Talbot offered as a substitute for the whole, a resolution appointing a committee of five, to investigate as to whether the colored members are entitled to pay for the time they were expelled from this House.

Mr. Johnson of Towns moved to lay the whole matter upon the table for the present; and the yeas and nays being demanded upon said motion, resulted in yeas 74, and nays 42.

Those voting in the affirmative are Messrs.—

Atkins,	Higdon,	Parks,
Armstrong,	Holcombe,	Paulk,
Anderson,	Holden,	Phillips,
Allen of Hart,	Haren,	Prudden,
Bethune,	Harkness,	Perkins of Dawson,
Bennett,	Hughes,	Perkins of Cherokee,
Brown,	Hook,	Rice,
Barnum,	Hooks,	Rosser,
Ballanger,	Humber,	Rogers,
Bradford,	Harris of Murray,	Rumph,
Clark,	Hall of Meriwether,	Strickland,
Cloud,	Hall of Glynn,	Saulter,
Cleghorn,	Johnson of Towns,	Sisson,
Cobb,	Johnson of Forsyth,	Seale,
Costin,	Lee,	Sorrels,
Cunningham,	Lane,	Smith of Charlton,
Darnell,	Madison,	Smith of Muscogee,
Duncan,	Matthews,	Smith of Ware,
Franks,	Maxwell,	Thomason,
Felder,	Maull,	Vinson,
Fowler,	Moore,	Watkins,
Goodwin,	McArthur,	Walthall,
Gober,	Nash,	Welchel,
Gray,	Nisbet of Dade,	Williams of Haralson,
Gullatt,	Nesbit of Gordon,	Zellers.
Hillyer,		

Those voting in the negative are Messrs.—

Allen of Jasper,	Campbell,	Claiborne,
Bryant,	Caldwell,	Colby,
Carson,	Clowers,	Davis,

Fitzpatrick,	Joiner,	Richardson,
Floyd,	Jackson,	Simms,
Ford,	Johnson of Spalding,	Stone,
Fryer,	Linder,	Schakleford,
Golden,	Madden,	Scott,
Guilford,	McCormick,	Tweedy,
Houston,	Osgood,	Turner,
Hamilton,	O'Neal of Baldwin,	Tate,
Hutchings,	Porter,	Warren of Burke,
Harper of Sumter,	Reid,	Warren of Quitman,
Harrison of Franklin,	Rainey,	Williams of Harris.
Harrison of Hancock,		

Yeas 74.

Nays 42.

So the motion prevailed.

Mr. Johnson of Towns then gave notice that he would move to reconsider the action of the House in regard to said motion on to-morrow.

The following message was received from the Senate, through Mr. Mills, the Secretary thereof:

Mr. Speaker:

The Senate has adopted the following resolution:

Resolved by the General Assembly, That in the future the President of the Senate, Speaker of the House of Representatives, and the Auditing Committees of the Senate and House of Representatives, adhere strictly and rigidly to the 181st section of the Code, etc.

In which they ask the concurrence of the House.

And I am directed to transmit the same forthwith to the House.

Mr. Bryant of Richmond arose to a personal explanation, in relation to the charges made against him on yesterday by Mr. Simms of Chatham.

Mr. Anderson of Cobb raised the point of order that Mr. Bryant was not making a personal explanation; which the Chair ruled was well taken.

Mr. Bryant appealed from the Chair's ruling, but afterwards withdrew the appeal.

Mr. Price of Lumpkin offered a preamble and resolution to the effect that elections having been held in the counties of Miller, Madison, Telfair, Marion and Irwin for members of the Legislature, in accordance with a proclamation of his Excellency Governor Bullock, therefore they be allowed to take their seats, upon their taking the oaths prescribed by law; and moved that the same be taken up; which motion prevailed.

Mr. Tweedy of Richmond moved to postpone the resolution indefinitely.

Mr. Campbell of McIntosh moved to adjourn until 10 o'clock A. M. to-morrow.

Mr. Bryant of Richmond moved to lay the resolution upon the table for the present, and called the previous question upon the whole subject-matter before the House, which call was sustained, and the vote being taken upon Mr. Bryant's motion, the yeas and nays were demanded, and resulted in yeas 46, and nays 72.

Those voting in the affirmative are Messrs.—

Atkins,	Golden,	Moore,
Allen of Jasper,	Gardner,	McCormick,
Beard,	Guilford,	Nesbitt of Gordon,
Barnes,	Hillyer,	O'Neal of Baldwin,
Campbell,	Harden,	Porter,
Clower,	Haren,	Perkins of Dawson,
Costin,	Hughes,	Reid,
Colby,	Hutchings,	Rogers,
Cunningham,	Harrison of Hancock,	Richardson,
Darnell,	Joiner,	Simms,
Davis,	Jackson,	Smith of Muscogee,
Ellis,	Johnson of Towns,	Tweedy,
Fitzpatrick,	Johnson of Spalding,	Thomason,
Franks,	Johnson of Forsyth,	Turner,
Floyd,	Maull,	Warren of Burke.
Goodwin,		

Those voting in the negative are Messrs.—

Anderson,	Ballanger,	Cleghorn,
Bethune,	Bryant,	Claiborne,
Bennett,	Bradford,	Cobb,
Brewster,	Clark,	Duncan,
Brown,	Caldwell,	Erwin,
Barnum,	Cloud,	Felder,

Fowler,	Hall of Meriwether,	Rosser,
Ford,	Hall of Glynn,	Rumph.
Fryer,	Kytle,	Strickland.
Gober,	Linder,	Stone,
Gray,	Lindsey.	Sisson,
Gullatt,	Matthews,	Seale
Higdon,	Maxwell,	Shackleford,
Houston.	McArthur,	Scott,
Hamilton,	Neal,	Sorrells,
Harkness.	Nash,	Smith of Ware,
Hook,	Nisbet of Dade,	Tate,
Hooks,	Parks,	Vinson,
Humber,	Price,	Watkins,
Harris of Murray,	Paulk,	Walthall,
Harris of Glascock,	Phillips.	Welchel,
Harper of Sumter,	Perkins of Cherokee,	Warren of Quitman,
Harper of Terrell,	Reddish,	Williams of Haralson,
Harrison of Franklin,	Rainey,	Zellars.

Yeas 46.

Nays 72.

So the motion was lost.

The vote was then taken upon Mr. Campbell's motion, and the yeas and nays being demanded, resulted in yeas 55, and nays 62.

Those voting in the affirmative are Messrs.

Atkins,	Gardner,	Madden,
Allen of Jasper,	Guilford,	Maull,
Bell,	Hillyer,	Moore,
Bethune,	Holcombe,	McCormick,
Beard,	Houston,	Nesbit of Gordon,
Barnes,	Harden,	O'Neal of Baldwin,
Campbell,	Haren,	Porter
Clower,	Hughes,	Perkins of Dawson,
Costin,	Hutchings,	Reid,
Colby,	Hooks,	Richardson,
Cunningham.	Harrison of Hancock,	Simms,
Darnell,	Joiner,	Saulter,
Davis,	Jackson,	Smith of Muscogee,
Ellis,	Johnson of Towns,	Tweedy,
Fitzpatrick,	Johnson of Spalding,	Thomason,
Franks,	Johnson of Forsyth,	Turner,
Floyd,	Linder.	Watkins,
Goodwin,	Lindsey,	Warren of Burke.
Golden,		

Those voting in the negative are Messrs.—

Anderson,	Higdon,	Phillips,
Bennett,	Hamilton,	Prudden,
Brewster,	Harkness,	Perkins of Cherokee,
Brown,	Hook,	Rice,
Barnum,	Humber,	Reddish,
Ballanger,	Harris of Murray,	Rainey,
Bryant,	Harris of Glascock,	Rosser,
Bradford,	Harper of Sumter,	Rogers,
Carson,	Harper of Terrell,	Rumph,
Clark,	Harrison of Franklin,	Strickland,
Caldwell,	Hall of Meriwether,	Stone,
Cloud,	Hall of Glynn,	Sisson,
Cleghorn,	Kyle,	Seale,
Claiborne,	Matthews,	Shackleford,
Cobb,	Maxwell,	Scott,
Duncan,	McArthur,	Sorrells,
Erwin,	Neal,	Smith of Ware,
Felder,	Nash,	Tate,
Fowler,	Nisbit of Dade,	Vinson,
Ford,	Osgood,	Walthall,
Fryer,	Parks,	Welchel,
Gray,	Price,	Warren of Quitman.
Gullatt,	Paulk,	

Yeas 55.

Nays 62.

So the motion was lost.

The question then recurred upon Mr. Tweedy's motion ; upon which the yeas and nays being demanded, resulted in yeas 58 and nays 66.

Those voting in the affirmative are Messrs.—

Atkins,	Davis,	Hughes,
Allen of Jasper,	Ellis,	Hutchings,
Bell,	Fitzpatrick,	Harrison of Hancock,
Beard,	Franks,	Joiner,
Barnes,	Floyd,	Jackson,
Bradford,	Goodwin,	Johnson of Towns,
Carson,	Golden,	Johnson of Spalding,
Campbell,	Gardner,	Johnson of Forsyth,
Clower,	Guilford,	Lee,
Costin,	Hillyer,	Linder,
Colby,	Holcombe,	Madden,
Cunningham,	Houston,	Maull,
Darnell,	Haren,	Moore,

McCormick,	Rogers,	Thomason,
Nesbitt of Gordon,	Richardson,	Turner,
O'Neal of Baldwin,	Simms,	Watkins,
Porter,	Saulter,	Warren of Burke,
Perkins of Dawson,	Smith of Muscogee,	Williams of Harris,
Reid,	Tweedy,	Williams of Haralson.
Rice,		

Those voting in the negative are Messrs.—

Anderson,	Gullatt,	Osgood,
Bethune,	Higdon,	Parks,
Bennett,	Holden,	Price,
Brewster,	Hamilton,	Paulk,
Brown,	Harkness,	Phillips,
Barnum,	Hook,	Perkins of Cherokee.
Ballanger,	Humber,	Reddish,
Bryant,	Harris of Murray,	Rainey,
Clark,	Harris of Glascock,	Rosser,
Caldwell,	Harper of Sumter,	Rumph,
Cloud,	Harper of Terrell,	Strickland.
Cleghorn,	Harrison of Franklin,	Sisson,
Claiborne,	Hall of Meriwether,	Seale,
Cobb,	Hall of Glynn,	Shackleford,
Duncan,	Kytle,	Scott,
Erwin,	Lindsey,	Sorrells,
Felder,	Matthews,	Smith of Ware.
Fowler,	Maxwell,	Tate,
Ford,	McArthur.	Vinson,
Fryer,	Neal,	Walthall,
Gober,	Nash,	Welchel,
Gray,	Nisbet of Dade,	Warren of Quitman.

Yeas 58.

Nays 66.

So the motion was lost.

Mr. Price of Lumpkin moved the adoption of the resolution; upon which motion the yeas and nays were called and sustained, resulting in yeas 66 and nays 57

Those voting in the affirmative are Messrs.—

Armstrong,	Barnum,	Cleghorn,
Anderson,	Ballanger.	Cobb,
Bethune,	Bryant,	Duncan,
Bennett,	Clark,	Erwin,
Brewster,	Caldwell,	Felder,
Brown,	Cloud,	Fowler,

Ford,	Hall of Glynn,	Reddish,
Fryer,	Kyle,	Rainey,
Gober,	Lindsey,	Rosser,
Gray,	Matthews,	Rumph,
Gullatt,	Maxwell,	Strickland,
Higdon,	McArthur,	Sisson,
Holden,	Neal,	Seale,
Hamilton,	Nash,	Shackleford,
Harkness.	Nisbet of Dade,	Scott,
Hook,	Osgood,	Sorrells,
Humber,	Parks,	Smith of Ware,
Harris of Murray,	Price,	Tate,
Harper of Sumter,	Paulk,	Vinson,
Harper of Terrell,	Phillips,	Walthall,
Harrison of Franklin,	Prudden,	Welchel,
Hall of Meriwether,	Perkins of Cherokee,	Warren of Quitman.

Those voting in the negative are Messrs.—

Atkins,	Golden,	Moore,
Allen of Jasper,	Gardner,	McCormick,
Bell,	Guilford,	Nesbitt of Gordon,
Beard,	Hillyer,	O'Neal of Baldwin,
Barnes,	Holcombe,	Porter,
Carson,	Houston,	Perkins of Dawson,
Campbell,	Harden,	Rice,
Clower,	Haren,	Rogers,
Claiborne,	Hutchings,	Richardson,
Costin,	Harrison of Hancock,	Simms,
Colby,	Joiner,	Stone,
Cunningham,	Jackson,	Saulter,
Darnell,	Johnson of Towns,	Smith of Muscogee,
Davis,	Johnson of Spalding,	Tweedy,
Ellis,	Johnson of Forsyth,	Thomason,
Fitzpatrick.	Lee,	Turner,
Franks,	Madden,	Warren of Burke,
Floyd,	Madison,	Williams of Harris,
Goodwin,	Maull,	Williams of Haralson,

Yeas 66.

Nays 57.

So the motion prevailed.

Mr. Darnell of Pickens gave notice that he would move to reconsider the action of the House in relation to the adoption of Mr. Price's resolution on to-morrow.

On motion the House adjourned until 10 o'clock A. M., to-morrow.

SATURDAY, April 30, 1870,
10 o'clock A. M.

The House of Representatives met pursuant to adjournment and was opened with prayer by the Rev. Mr. Clark.

On motion the calling of the roll was dispensed with.

Journal of yesterday read, and after being corrected in relation to Mr. Porter's, of Chatham, acceptance of Mr. Bryant's, of Richmond, substitute for his resolution, approved.

Mr. Johnson of Towns moved to reconsider so much of the Journal of yesterday as relates to the action of the House laying upon the table the resolution directing the State Treasurer to pay the colored members of this House their per diem pay for thirty-three days, a balance due for the session of 1868, and their mileage one way, and their per diem pay for 1869—66 days—and their mileage both ways, upon their accounts being audited by the Auditing Committee, in accordance with the provisions of this resolution; and the substitute therefor, instructing the Auditing Committee to audit the accounts of the colored members for the amounts due each, for the portion of the session of 1868, for which they were not paid, and for the session of 1869, and that the Treasurer be authorized to pay to each of said members the amount due; which motion prevailed.

Mr. Darnell of Pickens moved to reconsider so much of the Journal of yesterday as relates to the action of the House adopting the resolution allowing the newly elected members from the counties of Miller, Madison, Irwin, Telfair and Marion, to take their seats upon taking the oaths prescribed by law.

Upon which motion Mr. Lane of Brooks called the previous question; which call was sustained and the main question was ordered; and the yeas and nays being demanded, resulted in yeas 72 and nays 63.

Those voting in the affirmative are Messrs.—

Atkins,
Allen of Jasper,
Allen of Hart,

Bell,
Bethune,
Belcher,

Beard,
Barnes,
Bradford,

Campbell,	Harden,	McCormick,
Clower,	Haren,	Nesbit of Gordon,
Cleghorn,	Hughes,	O'Neal of Baldwin,
Costin,	Hutchings,	Porter,
Colby,	Hooks,	Perkins of Dawson,
Cunningham,	Harris of Glascock,	Reid,
Darnell,	Harrison of Hancock,	Rice,
Davis,	Hall of Meriwether,	Rogers,
Ellis,	Joiner,	Richardson,
Evans,	Jackson,	Simms,
Fitzpatrick,	Johnson of Towns,	Saulter,
Franks,	Johnson of Spalding,	Smith of Muscogee,
Felder,	Johnson of Forsyth,	Tweedy,
Floyd,	Lee,	Thomason,
Goodwin,	Lane,	Turner,
Golden,	Linder,	Watkins,
Gardner,	Madden,	Warren of Burke,
Guilford,	Madison,	Williams of Harris,
Hillyer,	Maxwell,	Williams of Haralson,
Holcombe,	Maull,	Zellers.
Houston,	Moore,	

Those voting in the negative are Messrs.—

Armstrong,	Higdon,	Perkins of Cherokee,
Anderson,	Holden,	Reddish,
Bennett,	Hamilton,	Rainey,
Brewster,	Harkness,	Rosser,
Brown,	Hook,	Rawles,
Barnum,	Humber,	Rumph,
Ballanger,	Harris of Murray,	Stone,
Bryant,	Harper of Sumter,	Sisson,
Clark,	Harper of Terrell,	Shumate,
Caldwell,	Harrison of Franklin,	Seale,
Cloud,	Hall of Glynn,	Shackleford,
Cleghorn,	Kyle,	Scott,
Cobb,	Matthews,	Scroggins,
Duncan,	McArthur,	Sorrells,
Erwin,	Nash,	Smith of Charlton,
Felder,	Nisbett of Dade,	Smith of Ware,
Fowler,	Osgood,	Tate,
Ford,	Parks,	Vinson,
Fryer,	Price,	Walthall,
Gober,	Paulk,	Welchel,
Gray,	Porter,	Warren of Quitman.
Gullatt,		

Yeas 72.

Nays 63.

So the motion prevailed.

Mr. Carson of Thomas paired off with Mr. Phillips.

Mr. Porter of Chatham moved to take up the resolution which was reconsidered this morning, providing for the payment of colored members their per diem and mileage for the time they were absent from the House, in the years 1868 and 1869; which motion was lost.

Mr. Hillyer of Camden offered a resolution authorizing the Governor to draw his warrant upon the Treasurer in favor of the family of Representative Lumpkin, deceased, for \$140 50, the amount due for the session ending February 17, 1870.

Mr. Belcher of Wilkes offered a resolution authorizing and directing the Treasurer to pay out of any money in the Treasury, not otherwise appropriated, the scrip or warrant issued to members of the Constitutional Convention of 1867-8 with interest from the date of issue.

Mr. Osgood of Chatham offered a resolution tendering his Excellency Governor Bard of Idaho, who is now in this city, a seat upon this floor; which resolution was taken up and adopted.

The House took up the Senate resolution, that the President of the Senate and Speaker of the House of Representatives, and the Auditing Committee of the Senate and House of Representatives, adhere strictly and rigidly to the 181st section of the Code, and concurred in the same.

The following message was received from the Senate through Mr. Mills, the Secretary thereof:

Mr. Speaker:

The Senate has adopted the following series of resolutions, in which they ask the concurrence of the House:

A resolution that the Appropriation Act of 1869 be continued in full force and effect for the first two quarters of this year, viz: until July 1, 1870.

Also, a resolution that the Tax Act of 1869 be continued in full force and effect until otherwise ordered by the General Assembly

Also, a resolution that the interest and principal upon the public debt accruing prior to July 1, 1870, be paid as it becomes due, etc.

Also, a resolution that a joint committee of three from the Senate and five from the House be appointed, whose duty it shall be to make a full and thorough examination into the condition and management of the finances of the Western & Atlantic Railroad, etc.

Also, a resolution that a similar joint committee be appointed, whose duty it shall be to visit the Penitentiary and the different places where the convicts are employed, and make a thorough examination into the condition and manner of the treatment of said convicts, etc.

Also, a resolution that each of said committees be authorized to employ a clerk, etc.

Also, a resolution that all the proceedings in the several courts of this State, founded on any debt or contract made or entered into prior to June 1, 1865, and all levies and sales by virtue of any execution so founded, shall be, and are hereby, stayed, until twenty days after the meeting of the next General Assembly.

Also, a resolution that the General Assembly, in compliance with the just demands of the people, earnestly appeal to Major-General A. H. Terry to enforce the above resolutions after their approval by the Executive of the State.

Also, a resolution that the Legislature, after disposing of the business before it, adjourn until the first Wednesday in July, unless sooner called together by his Excellency the Governor.

And I am directed to transmit the same forthwith to the House.

Mr. Warren of Quitman offered a resolution authorizing General Terry, as commander of this district, to appoint a committee of three from his staff, and empower them to send for persons and papers, administer oaths, sit in judgment, and determine the guilt or innocence of the accused parties; which resolution was read for the information of the House.

Mr. Tweedy of Richmond moved to take up the message from the Senate, and concur in the resolutions accompanying the same, as a whole.

Pending the consideration of which motion, the House, after granting leave of absence until Tuesday next to Mr. Rice of Columbia, adjourned until Monday next, 10 o'clock A. M.

MONDAY, May 2, 1870,
10 o'clock A. M.

The House of Representatives met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Fuller.

On motion the calling of the roll was dispensed with.

Journal of Saturday was read and approved.

The House resumed the consideration of the unfinished business of Saturday, the same being the motion to take up the message received from the Senate, and concur in the resolutions accompanying the same.

Upon which motion Mr. Lee of Newton called the previous question; which call was sustained, and the main question ordered; and the yeas and nays being demanded, resulted in yeas 77, and nays 56.

Those voting in the affirmative are Messrs.—

Atkins,	Golden,	Johnson of Forsyth,
Allen of Jasper,	Gardner,	Lee,
Allen of Hart,	Guilford,	Lane,
Bell,	Hillyer,	Linder,
Bethune,	Holcombe,	Lindsey,
Belcher,	Houston,	Madden,
Barnes,	Harden,	Madison,
Carson,	Haren,	Maxwell,
Campbell,	Hamilton,	Maull,
Clower,	Hughes,	Moore,
Claiborne,	Hutchings,	McCormick,
Costin,	Hooks,	Nisbet of Dade,
Colby,	Harris of Glascock,	Nesbitt of Gordon,
Cunningham,	Harrison of Hancock,	O'Neal of Lowndes,
Darnell,	Hall of Meriwether,	O'Neal of Baldwin.
Davis,	Hall of Glynn,	Page,
Ellis,	Joiner,	Porter,
Evans,	Jackson,	Prudden,
Franks,	Johnson of Towns,	Perkins of Dawson,
Floyd,	Johnson of Spalding,	Reid,

Rogers,	Saulter,	Watkins,
Richardson,	Smith of Charlton,	Warren of Burke,
Sewell,	Smith of Muscogee,	Williams of Harris,
Strickland,	Tweedy,	Williams of Haralson,
Simms,	Thomason,	Zellars.
Stone,	Turner,	

Those voting in the negative are Messrs.—

Armstrong,	Gober,	Phillips,
Anderson,	Gray,	Perkins of Cherokee,
Bennett,	Gullatt,	Reddish,
Brown,	Higdon,	Rainey,
Barnum,	Harkness,	Rosser,
Ballanger,	Hook,	Rawles,
Bryant,	Humber,	Rumph,
Clark,	Harris of Murray,	Sisson,
Caldwell,	Harper of Sumter,	Shackleford,
Cloud,	Harper of Terrell,	Scott,
Cleghorn,	Harrison of Franklin,	Scroggins,
Cobb,	Kyle,	Sorrells,
Duncan,	Matthews,	Smith of Ware,
Erwin,	McArthur,	Tate,
Fitzpatrick,	Neal,	Turnipseed,
Felder,	Nash,	Vinson,
Fowler,	Osgood,	Walthall,
Fryer,	Price,	Welchel,
Goodwin,	Paulk,	Warren of Quitman.

Yeas 77.

Nays 56.

So the motion prevailed, and the resolutions concurred in.

Mr. Lee then moved that the same be transmitted forthwith to the Senate; which motion was lost.

Mr. Caldwell of Troup gave notice that he would move to reconsider the action of the House in regard to said resolutions on to-morrow.

On motion, the House adjourned until 10 o'clock A. M. to-morrow.

TUESDAY, May 3, 1870,
10 o'clock A. M.

The House of Representatives met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Fuller.

On motion, the calling of the roll was dispensed with.

Journal of yesterday was read and approved.

Mr. Caldwell of Troup moved to reconsider so much of the Journal of yesterday as relates to the action of the House in adopting the motion concurring in the Senate resolutions.

Mr. Simms of Chatham moved to lay said motion upon the table; upon which motion the yeas and nays were demanded, and resulted in yeas 74, and nays 55.

Those voting in the affirmative are Messrs.—

Atkins,	Holcombe,	O'Neal of Lowndes,
Allen of Jasper,	Houston,	O'Neal of Baldwin,
Allen of Hart,	Harden,	Page,
Bell,	Haren,	Porter,
Bethune,	Hamilton,	Prudden,
Belcher,	Hughes,	Perkins of Dawson,
Beard,	Hutchings,	Reid,
Barnes,	Hooks,	Rogers,
Carson,	Harrison of Hancock,	Richardson,
Clower,	Hall of Meriwether,	Sewell,
Claiborne,	Joiner,	Strickland,
Costin,	Jackson,	Simms,
Colby,	Johnson of Towns,	Stone,
Cunningham,	Johnson of Spalding,	Saulter,
Darnell,	Johnson of Forsyth,	Smith of Charlton,
Davis,	Lee,	Smith of Muscogee,
Ellis,	Lane,	Tweedy,
Evans,	Linder,	Thomason,
Floyd,	Madden,	Turner,
Fryer,	Madison,	Watkins,
Goodwin,	Maxwell,	Warren of Burke,
Golden,	Maull,	Williams of Harris,
Gardner,	Moore,	Williams of Harralson,
Guilford,	McCormick,	Zellars.
Hillyer,	Nesbit of Gordon,	

Those voting in the negative are Messrs.—

Armstrong,	Brewster,	Ballanger,
Anderson,	Brown,	Bryant,
Bennett,	Barnum,	Bradford,

Clark,	Humber,	Rosser,
Caldwell,	Harris of Murray,	Rawls,
Cloud,	Harper of Sumter,	Rumph,
Cleghorn,	Harper of Terrell,	Sisson,
Cobb,	Kyle,	Shumate,
Duncan,	Matthews,	Seale,
Erwin,	McArthur,	Shackleford,
Fitzpatrick,	Neal,	Scott,
Felder,	Nash,	Sorrells,
Fowler,	Osgood,	Smith of Ware,
Gray,	Price,	Tate,
Gullatt,	Paulk,	Turnipseed,
Higdon,	Phillips,	Vinson,
Holden,	Pepper,	Walthall,
Harkness,	Perkins of Cherokee,	Warren of Quitman.
Hook,	Rainey,	

Yeas 74.

Nays 55.

So the motion prevailed.

Mr. Caldwell of Troup offered a protest against the action of the House in concurring in the resolutions from the Senate, as a whole, and requested that the same be spread upon the Journal.

Mr. Tweedy of Richmond objected.

Mr. Lee of Newton moved that said protest be laid upon the table; upon which motion, the yeas and nays being demanded, resulted in yeas 53 and nays 67

Those voting in the affirmative are Messrs.—

Atkins,	Holcombe,	Moore,
Allen of Jasper,	Houston,	McCormick,
Allen of Hart,	Harden,	Nisbet of Gordon,
Bell,	Haren,	O'Neal of Lowndes,
Bethune,	Hughes,	O'Neal of Baldwin,
Barnes,	Hutchings,	Page,
Campbell,	Hooks,	Porter,
Clower,	Harrison of Hancock,	Perkins of Dawson,
Colby,	Joiner,	Reid,
Cunningham,	Jackson,	Rogers,
Darnell,	Johnson of Towns,	Richardson,
Davis,	Johnson of Spalding,	Simms,
Ellis,	Johnson of Forsyth,	Smith of Muscogee,
Floyd,	Lee,	Tweedy,
Goodwin,	Lane,	Thomason,
Golden,	Linder,	Watkins,
Guilford,	Madden,	Warren of Burke.
Hillyer,	Maxwell,	

Those voting in the negative are Messrs.—

Anderson,	Gullatt,	Rainey,
Belcher,	Higdon,	Rosser,
Bennett,	Harkness,	Rawles,
Brewster,	Hook,	Rumph,
Brown,	Humber,	Strickland,
Barnum,	Harris of Murray,	Saulter,
Ballanger,	Harper of Sumter,	Sisson,
Bryant,	Harrison of Franklin,	Shumate,
Carson,	Hall of Meriwether,	Seale,
Clark,	Hall of Glynn,	Shackleford,
Caldwell,	Kytle,	Scott,
Cloud,	Madden,	Sorrells,
Cleghorn,	Matthews,	Smith of Charlton,
Cobb,	Maul,	Smith of Ware,
Duncan,	McArthur,	Turner,
Erwin,	Nash,	Tate,
Fitzpatrick,	Osgood,	Turnipseed,
Franks,	Price,	Vinson,
Felder,	Paulk,	Walthall,
Fowler,	Phillips,	Welchel,
Fryer,	Pepper,	Warren of Quitman,
Gober,	Perkins of Cherokee,	Williams of Haralson,
Gardner,	Rice,	Zellars.
Gray,		

Yeas 53.

Nays 67.

So the motion was lost.

Mr. Caldwell then withdrew his protest for the purpose of correcting the same.

Mr. Bell of Banks offered a resolution inviting Colonel E. Hulbert, Superintendent of the Brunswick & Albany Railroad, to a seat on this floor; which resolution was taken up and adopted.

Mr. Fitzpatrick of Bibb offered a protest against the action of the House in concurring in the Senate resolutions, as a whole, and requested that the same be spread upon the Journal; which request was granted, and the protest is as follows :

WHEREAS, On the recommendation of his Excellency the Governor, the Senate did, on the 29th ultimo, adopt certain

resolutions to re-enact the Tax and Appropriation Acts of 1869; and the same having been reported to this House for concurrence, were, on motion, adopted as a whole, without amendment, I, as a member of the General Assembly of the State of Georgia, do most solemnly and earnestly enter my protest against Relief, and the 22d section embodied in the Senate resolutions.

JAMES FITZPATRICK,
Representative from Bibb.

Mr. Tweedy of Richmond moved to take up and adopt the resolution providing for the pay of colored members their per diem for the session of 1868—33 days—and their mileage one way; and their per diem for the session of 1869—66 days—and mileage both ways, upon their accounts being audited by the Auditing Committee in accordance with the provisions of this resolution; upon which motion the yeas and nays being demanded, resulted in yeas 75 and nays 42.

Those voting in the affirmative are Messrs.—

Atkins,	Holcombe,	Neal,
Allen of Jasper,	Holden,	Nesbitt of Gordon,
Allen of Hart,	Houston,	Osgood,
Bethune,	Harden,	O'Neal of Lowndes,
Belcher,	Haren,	O'Neal of Baldwin,
Barnes,	Hamilton,	Page,
Bryant,	Hughes,	Price,
Carson,	Hutchings,	Porter,
Campbell,	Hooks,	Perkins of Dawson,
Caldwell,	Harrison of Hancock,	Reid,
Clower,	Hall of Meriwether,	Rice,
Claiborne.	Joiner,	Rogers,
Costin,	Jackson,	Richardson,
Colby,	Johnson of Towns,	Simms,
Cunningham,	Johnson of Spalding,	Stone,
Darnell,	Johnson of Forsyth,	Saulter,
Davis,	Lee,	Smith of Charlton,
Ellis,	Lane,	Smith of Muscogee,
Fitzpatrick,	Linder,	Tweedy,
Floyd,	Madden,	Thomason,
Goodwin,	Madison,	Turner,
Golden,	Maxwell,	Tate,
Gardner,	Maul,	Warren of Burke,
Guilford,	Moore,	Williams of Harris,
Hillyer,	McCormick,	Zellers.

Those voting in the negative are Messrs.—

Anderson,	Gullatt,	Perkins of Cherokee,
Bell,	Higdon,	Rosser,
Bennett,	Harkness,	Rumph,
Brewster,	Hock,	Sisson,
Barnum,	Humber,	Shumate,
Ballanger,	Harris of Murray,	Seale,
Clark,	Harper of Sumter,	Shackleford,
Cloud,	Hall of Glynn,	Scott,
Cleghorn,	Kyle,	Sorrells,
Cobb,	Mathews,	Smith of Ware,
Erwin,	McArthur,	Turnipseed,
Felder,	Nash,	Vinson,
Fowler,	Paulk,	Welchel,
Gray,	Phillips,	Warren of Quitman.

Yeas 75.

Nays 42.

So the motion prevailed.

Mr. Price of Lumpkin moved to take up and adopt the resolution providing that the members elect from the counties of Miller, Irwin, Telfair, Madison and Marion be allowed to take their seats upon this floor, upon taking the oaths prescribed by law.

Mr. Harper of Terrell moved to amend by striking out all of the counties except those of Irwin and Telfair; which amendment was accepted.

Mr. Tweedy of Richmond raised the point of order that no members could be seated on this floor except in accordance with the act of Congress of December 22, 1869; which the Chair ruled was well taken.

Mr. Price appealed from the decision of the Chair, but afterwards withdrew the same.

Mr. Lee of Newton moved to lay the whole matter upon the table for the present; which motion prevailed.

Mr. Bryant of Richmond moved to adjourn until 10 o'clock A. M. to-morrow.

Mr. Darnell of Pickens moved to amend by striking out 10 o'clock A. M., and inserting 3 o'clock P. M. this evening; but withdrew the same, and the vote being taken upon Mr. Bryant's motion, it was lost.

The House took up the Senate resolution appointing a committee of three from the Senate, and five from the House, to investigate the charges against his Excellency Governor Bullock, and the State Treasurer, Honorable N. L. Angier, and concurred in the same.

Mr. Barnum of Stewart offered a resolution providing that the House adjourn *sine die*, so as to give the people of the State of Georgia opportunity to select a body of their own choice, and that we ourselves draw no more pay from the date of the present session; which resolution was taken up and laid upon the table.

Mr. Price of Lumpkin offered a preamble and resolution reciting—that whereas Governor Bullock has drawn his warrants upon the Treasury in favor of certain persons for printing done in the Executive Department, which have been duly countersigned by the Comptroller General; and that the State Treasurer has refused to pay said warrants, because, in his opinion, they were improperly drawn upon the printing fund—therefore,

Resolved, That the Treasurer be authorized and required to pay said warrants out of any money in the Treasury not otherwise appropriated.

Mr. Anderson of Cobb moved to lay the resolution upon the table; upon which motion the yeas and nays being demanded, resulted in yeas 41, and nays 74.

Those voting in the affirmative are Messrs.—

Anderson,	Fryer,	Prudden,
Bennett,	Gober,	Perkins of Cherokee,
Brewster,	Gullatt,	Rainey,
Ballanger,	Harkness,	Rosser,
Bryant,	Hook,	Rumph,
Clark,	Humber,	Saulter,
Cloud,	Harris of Murray,	Sisson,
Cleghorn,	Kyle,	Shumate,
Cobb,	Madison,	Shackleford,
Duncan,	Matthews,	Scott,
Erwin,	McArthur,	Sorrells,
Fitzpatrick,	Nash,	Vinson,
Felder,	Paulk,	Welchel.
Fowler,	Phillips,	

Those voting in the negative are Messrs.—

Atkins,	Hillyer,	Moore,
Allen of Jasper,	Higdon,	McCormick,
Allen of Hart,	Holcombe,	Nesbit of Gordon,
Bell,	Holden,	O'Neal of Lowndes,
Belcher,	Houston,	O'Neal of Baldwin,
Beard,	Harden,	Page,
Barnes,	Haren,	Price,
Carson,	Hamilton,	Porter,
Campbell,	Hughes,	Perkins of Dawson,
Clower,	Hutchings,	Reid,
Claiborne,	Hooks,	Rawles,
Costin,	Harrison of Hancock,	Rogers,
Colby,	Hall of Meriwether,	Richardson,
Cunningham,	Hall of Glynn,	Strickland,
Darnell,	Joiner,	Simms,
Davis,	Jackson,	Stone,
Ellis,	Johnson of Towns,	Smith of Muscogee,
Evans,	Johnson of Spalding,	Tweedy,
Franks,	Johnson of Forsyth,	Turner,
Floyd,	Lee,	Turnipseed,
Goodwin,	Lane,	Watkins,
Golden,	Linder,	Warren of Burke,
Gardner,	Madden,	Williams of Harris,
Gray,	Maxwell,	Williams of Haralson,
Guilford,	Maull,	

Yeas 41.

Nays 74.

So the motion was lost.

Mr. Price of Lumpkin then moved the adoption of the resolution.

Upon which motion Mr. Shumate of Whitfield called the previous question; which call was sustained, and the main question ordered; and the vote being taken, the resolution was adopted.

On motion of Mr. Bryant of Richmond the House adjourned until 10 o'clock A. M. to-morrow.

WEDNESDAY, May 4, 1870,
10 o'clock A. M.

The House of Representatives met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Fuller.

On motion, the calling of the roll was dispensed with. Journal of yesterday was read and approved.

The following message was received from the Senate, through Mr. Mills, the Secretary thereof:

Mr. Speaker :

The Senate have adopted the following resolutions, in which they ask the concurrence of the House.

A resolution requesting the Superintendent of the Western & Atlantic Railroad to discharge all members of the General Assembly employed on said road, and not to employ any member in the future on said road; and that his Excellency the Provisional Governor and the Superintendent of said road be requested to not employ any member of the Legislature as counsel for said road or State, or pay any member of the Legislature for legal services rendered under any pretense whatever.

Also, a resolution that no member shall receive any *per diem* during recess, etc.

Also, a resolution that the General Assembly adjourn on Wednesday, the fourth instant, until the first Wednesday in July next.

Also, a resolution explanatory of the resolution continuing in force the General Appropriation Act of 1869, until July 1, 1870.

Mr. Caldwell of Troup offered a protest against the action of the House in adopting the motion, concurring as a whole, in the Senate resolutions re-enacting the Appropriation and Tax Acts of 1869, for the year 1870, and for other purposes, which protest was withdrawn on yesterday, for the alteration of the same, and requested that the same be spread upon the Journal.

Mr. O'Neal of Lowndes moved to strike out the second reason contained in said protest.

Mr. Phillips of Echols offered an amendment to the protest, which was read for the information of the House.

Mr. Bryant of Richmond moved that the whole protest be entered upon the Journal.

Upon which motion, Mr. Shumate of Whitfield called the previous question, which call was sustained, and the main question ordered; and the yeas and nays being demanded, resulted in yeas 57 and nays 70.

Those voting in the affirmative are Messrs.—

Anderson,	Higdon,	Perkins of Cherokee.
Bennett,	Harkness,	Rainey,
Brown,	Hook,	Rosser,
Barnum,	Humber,	Rumph,
Ballanger,	Harris of Murray,	Simms,
Bryant,	Harper of Sumter,	Sisson,
Clark,	Harper of Terrell,	Shumate,
Caldwell,	Hall of Glynn,	Seale,
Cloud,	Kytile,	Shackleford.
Cleghorn,	Matthews,	Scott,
Cobb,	McArthur,	Sorrells,
Duncan,	Neal,	Smith of Ware,
Erwin,	Nash,	Turner,
Felder,	Nisbet of Dade,	Tate,
Fowler,	Osgood,	Turnipseed.
Ford,	Price,	Vinson,
Fryer,	Pauk.	Walthall,
Gray,	Phillips,	Warren of Quitman.
Gullatt,	Pepper,	

Those voting in the negative are Messrs.—

Atkins,	Cunningham,	Harden.
Allen of Jasper,	Darnell,	Haren.
Allen of Hart,	Davis,	Hamilton.
Bell,	Ellis,	Hughes,
Bethune,	Evans,	Hutchings,
Belcher,	Floyd,	Hooks,
Beard,	Goodwin,	Harrison of Hancock.
Bradford,	Gober.	Hall of Meriwether.
Barnes,	Golden,	Joiner,
Carson,	Gardner,	Jackson.
Campbell,	Guilford.	Johnson of Towns.
Clowers,	Hillyer.	Johnson of Spaulding.
Costin,	Holcombe.	Lee,
Colby.	Houston.	Lane.

Linder,	Page,	Saulter,
Lindsey,	Porter,	Smith of Charlton,
Madison,	Perkins of Dawson,	Smith of Muscogee,
Maxwell,	Reid,	Tweedy,
Moore,	Rice,	Thomason,
McCormick,	Rogers,	Watkins,
Nesbit of Gordon.	Richardson,	Williams of Harris,
O'Neal of Lowndes,	Strickland,	Williams of Haralson,
O'Neal of Baldwin,	Stone,	Zellers.

Yeas 57.

Nays 70.

So the motion was lost.

The following message was received from the Senate, through Mr. Mills, the Secretary thereof:

Mr. Speaker :

The Senate have rescinded their action as had on yesterday in reference to the hour designated for the adjournment of the General Assembly to-day at 12 o'clock M., and have agreed to adjourn at 6 o'clock this P. M., until the first Wednesday in July next.

In which they ask the concurrence of the House.

Mr. O'Neal of Lowndes moved to take up said message, and concur in the action of the Senate accompanying the same; which motion prevailed.

Mr. Hall of Meriwether moved to take up the Senate resolutions providing that no member of the General Assembly be employed upon, or for the State Road, and that the members draw no pay during the recess, etc.; which motion prevailed.

Mr. Hall then offered an amendment, that nothing in the foregoing resolutions shall be so construed as to pay the Foreign or Home Commissioners of Emigration; which amendment was agreed to.

Mr. Tweedy of Richmond moved to concur in the resolution as amended.

Mr. Bryant of Richmond offered an amendment, that nothing in the foregoing resolution shall be so construed

as to revise the twenty-second section of the Appropriation Act so that the Governor be allowed to draw money under said section; which amendment was cut off by the previous question being called and sustained upon Mr. Tweedy's motion, as also the amendment offered by Mr. Fitzpatrick of Bibb, striking out the twenty-second section of the Appropriation Act of 1869.

The vote then being taken upon the motion concurring in the resolutions, as amended, it prevailed, and the resolutions ordered to be transmitted forthwith to the Senate.

Mr. O'Neal of Lowndes moved to adjourn until 4 o'clock this afternoon; which motion was lost.

Mr. Belcher of Wilkes offered a resolution requesting Major-General Terry to restrain all judicial officers from sentencing any person or persons to what is commonly called the chain gang, or on any public works, until such time as the committee, already provided to investigate the condition and treatment of convicts, shall have made their report; which resolution was taken up, read and adopted.

On motion of Mr. Anderson of Cobb the House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

The House re-assembled.

Mr. Tweedy of Richmond offered a resolution that the colored members now sitting upon this floor, who were illegally expelled therefrom, are entitled to their per diem pay and mileage since 1868, and instructing the Auditing Committee to audit the accounts of the same; which resolution was taken up and laid upon the table.

Mr. Smith of Charlton offered a resolution paying the chaplains of this House five dollars per day each for services during the session of 1870.

Mr. Anderson of Cobb moved to amend by striking out five dollars per diem and inserting fifty dollars; which amendment was agreed to, and the resolution, as amended, adopted.

Mr. Fitzpatrick of Bibb moved that the House adjourn *sine die*; which motion was lost.

Mr. Bryant of Richmond moved that the Clerk of the House notify the Senate that the House is now ready to adjourn; which motion prevailed.

The Chair announced as the committees under the Senate resolutions providing for committees to investigate the affairs and management of the W & A. R. R., the charges against his Excellency Governor Bullock, and the State Treasurer, N. L. Angier, and to visit the Penitentiary, as follows, to-wit:

As the committee to investigate the charges against the Governor and Treasurer, Messrs. Bethune of Talbot, Shumate of Whitfield, Bell of Banks, Price of Lumpkin, and Darnell of Pickens.

As the committee to investigate the affairs and management of the W & A. R. R., Messrs. Lee of Newton, Parks of Gwinnett, Maxwell of Henry, Phillips of Echols, and Tweedy of Richmond.

As the Committee on the Penitentiary, Messrs. Hillyer of Camden, Simms of Chatham, Rawles of Effingham, Turner of Bibb, and McArthur of Montgomery.

Mr. Tweedy of Richmond offered a resolution adding the President of the Senate and Speaker of the House to the committee appointed for the purpose of investigating the affairs and management of the Western & Atlantic Railroad.

On motion the House took a recess for thirty minutes.

—

5 O'CLOCK P. M.

The House re-assembled.

Mr. Hall of Glynn offered a resolution providing that no clerks be paid except those who have actually performed the duties of such, and appointing a committee of three to examine clerks, and that those found incompetent receive no pay, and moved that the same be taken up and adopted.

Mr. O'Neal of Lowndes moved to lay said resolution upon the table; which motion prevailed.

The following message was received from the Senate, through Mr. Mills, the Secretary thereof:

Mr. Speaker :

The Senate have adopted the following resolution :

Resolved by the General Assembly, That the Governor pay no salary for a Superintendent of Public Works or clerks for the same office.

The following message was received from the Senate, through Mr. Mills, the Secretary thereof:

Mr. Speaker :

The Senate have concurred in the resolution of the House authorizing the State Treasurer to pay certain warrants drawn by the Governor, etc., with an amendment in which they ask the concurrence of the House.

Mr. Darnell of Pickens moved to take up the message and concur in the action of the Senate.

Upon which motion Mr. Tweedy of Richmond called the previous question ; which call was sustained, and the main question ordered ; and the yeas and nays being demanded resulted in yeas 59 and nays 54.

Those voting in the affirmative are Messrs.—

Atkins,	Guilford,	Nesbitt of Gordon,
Armstrong,	Hillyer,	O'Neal of Lowndes.
Allen of Jasper,	Houston.	O'Neal of Baldwin.
Bell,	Harden,	Porter,
Bethune,	Haren,	Perkins of Dawson,
Belcher,	Hamilton,	Rawles,
Beard,	Hutchings,	Rogers,
Barnes,	Harrison of Hancock,	Richardson,
Clower,	Joiner,	Simms,
Costin,	Jackson,	Stone,
Colby,	Johnson of Towns,	Smith of Charlton.
Cunningham,	Johnson of Spalding,	Smith of Muscogee.
Darnell,	Lee,	Tweedy,
Davis,	Linder,	Thomason,
Ellis,	Madden,	Turner,
Franks,	Maxwell,	Watkins,
Floyd,	Maul,	Warren of Burke,
Golden,	Moore,	Williams of Harris.
Gardner,	McCormick,	Zellers.
Gray,	Nisbet of Dade.	

Those voting in the negative are Messrs.—

Anderson,	Goodwin,	Rice,
Bennett,	Gober,	Rainey,
Barnum,	Higdon,	Rosser,
Ballanger,	Holcombe,	Rumph,
Bryant,	Humber,	Strickland,
Bradford,	Harris of Murray,	Saulter,
Carson,	Hall of Meriwether,	Sisson,
Caldwell,	Hall of Glynn,	Shumate,
Cleghorn,	Kyle,	Shackleford,
Claiborne,	Lane,	Scott,
Cobb,	Madison,	Scroggins,
Duncan,	Matthews,	Sorrells,
Erwin,	McArthur,	Tate,
Fitzpatrick,	Neal,	Vinson,
Felder,	Osgood,	Walthall,
Fowler,	Phillips,	Welchel,
Ford,	Prudden,	Williams of Haralson.
Fryer,	Perkins of Cherokee,	

Yeas 59.

Nays 54.

So the motion prevailed.

Mr. Tweedy of Richmond offered a resolution authorizing the Speaker of the House to certify for the payment of such clerks and employees as have been engaged by the Speaker and Clerk of the House, and instructing the Auditing Committee to audit the accounts of the same, upon recommendation by the Speaker; which resolution was taken up and adopted.

Mr. O'Neal of Lowndes moved to take up and concur in the Senate resolution providing that the Governor pay no salary for a Superintendent of Public Works, or clerks for the same office; which motion prevailed.

The following message was received from the Senate through Mr. Mills, the Secretary thereof:

Mr. Speaker:

The Senate having disposed of the business before it, are now ready to adjourn, and have appointed a committee, consisting of Messrs. Nunnally, Hinton and Hunger-

ford, to join a like committee on the part of the House, to wait on his Excellency the Governor and inform him that both Houses of the General Assembly are now ready to adjourn until first Wednesday in July next.

The following message was received from the Senate through Mr. Mills, the Secretary thereof:

Mr. Speaker:

The Senate have adopted the following resolution:

A resolution authorizing and requiring the State Treasurer to pay certain warrants drawn by the Governor.

In which they ask the concurrence of the House.

The following message was received from the Senate, through Mr. Mills, the Secretary thereof:

Mr. Speaker:

The Senate have concurred in the House amendment to the Senate resolution explanatory of the resolution continuing in force the General Appropriation Act of 1869, until July 1, 1870.

Mr. Lane of Brooks offered a resolution that the members of the several committees this day announced by the Chair, shall be entitled to four dollars per day, and no more, during the time they may be actually engaged in the performance of their duties—said *per diem* to include expenses and mileage of said committee; which resolution was taken up and laid upon the table.

The hour of six having arrived, the Chair declared the House adjourned until the first Wednesday in July next.

WEDNESDAY, July 6, 1870,
12 o'clock, M.

The House of Representatives met pursuant to resolution of adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Clark, of the county of DeKalb.

On motion of Mr. Fitzpatrick the calling of the roll was dispensed with.

Journal was read and approved.

Mr. Tweedy offered the following resolution, which was taken up, read and agreed to, to-wit:

Resolved by the Senate and House of Representatives in General Assembly met, That a committee of three from the Senate and five from the House be appointed to wait upon his Excellency the Provisional Governor and notify him that the General Assembly is organized and ready to receive any communication he may desire to make.

The Speaker announced the following gentlemen as constituting the committee on the part of the House, to-wit: Messrs. Tweedy, Harper of Terrell, Smith of Charlton, Felder and Costin.

The following message was received from the Senate, through Mr. Mills, their Secretary:

Mr. Speaker:

The Senate have adopted the following resolution:

Resolved, That the Secretary of the Senate notify the House of Representatives that the Senate has organized, with a quorum present, and is ready to proceed to business.

The Senate have also concurred in the resolutions of the House appointing a joint committee to wait on his Excellency the Provisional Governor and inform him that both Houses are organized and ready to receive any communication he may desire to make; and have appointed as the committee on their part, Messrs. Speer, Burns and Holcombe.

I am directed to transmit the same forthwith to this branch of the General Assembly.

On motion of Mr. Hall of Meriwether the House adjourned until 12 o'clock M. to-morrow.

THURSDAY, July 7, 1870,
12 o'clock M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Mr. Felder, of the county of Houston.

On motion of Mr. Darnell the call of the roll was dispensed with.

The Journal was read and approved.

Mr. Darnell offered the following resolutions; which were read, to-wit:

A resolution amendatory of the miscellaneous rules of the House, Nos. 17 and 19.

And a resolution adding a proviso to the 16th rule, on "Decorum and Debate."

Mr. Tweedy, chairman, on the part of the House, of the joint committee appointed to inform his Excellency the Provisional Governor of the organization of both Houses of the General Assembly, and their readiness to receive any communication he might desire to make, reported the performance of the duty, and that his Excellency would communicate in writing to-day.

Leave of absence was granted to Mr. McDougald, on account of important business, and to Messrs. Tate and Page because of sickness in their families.

The following message was received from his Excellency the Provisional Governor through Mr. Atkinson, his Secretary, to-wit:

Mr. Speaker:

I am directed by his Excellency the Provisional Governor to deliver to the House of Representatives a communication in writing.

On motion of Mr. Darnell the communication referred to was taken up and read, and is as follows, to-wit:

ATLANTA, July 7, 1870.

To the Provisional Legislature:

The same reasons which made it unadvisable to enter upon legislation, at the time of your last adjournment, still exist; but, within the last few days, the House of Representatives of the United States Congress has adopted a bill for the admission of Georgia, by the terms of which your organization is expressly recognized as "legal," and your legislative action, in adopting the conditions required by the several reconstruction acts, is approved.

This bill, it is believed, will be concurred in by the Senate within a few days. Pending such action by the Senate, I would respectfully recommend that you take a recess until the 15th instant, or occupy the *interim* in the consideration of such resolutions as may be presented.

RUFUS B. BULLOCK.

Mr. Scott called attention to the indefinite manner in which the foregoing communication was addressed, and the unofficial character of the signature thereto, and, for these reasons, moved to lay the same on the table.

The motion did not prevail.

Mr. Duncan of Houston moved an adjournment until Monday next, 12 o'clock m.

Upon this proposition the yeas and nays were demanded.

Those voting in the affirmative are Messrs.—

Atkins,	Cunningham,	Joiner,
Armstrong,	Davis,	Jackson,
Allen of Jasper,	Duncan,	Johnson of Spalding,
Allen of Hart,	Floyd,	Lastinger,
Bell,	Ford,	Linder,
Bethune,	Golden,	Lindsey,
Barnes,	Gardner,	Matthews,
Bryant,	Guilford,	Maull,
Bradford,	Holden,	Moore,
Carson,	Houston,	McCormick,
Campbell,	Harden,	Nesbit of Gordon,
Clower,	Hutchings,	O'Neal of Baldwin,
Claiborne,	Harrison of Franklin,	Porter,
Costin,	Harrison of Hancock,	Perkins of Dawson,
Colby,	Hall of Meriwether,	Rogers,

Richardson,	Tweedy.	Warren of Burke,
Stone,	Turner.	Williams of Harris,
Smith of Charlton,	Vinson,	Zellars.
Smith of Muscogee,	Walthall,	

Those voting in the negative are Messrs.—

Anderson,	Goodwin.	Prudden,
Bennett,	Gullatt.	Perkins of Cherokee,
Brewster,	Harkness.	Reid,
Brown,	Hooks,	Rumph,
Barnum,	Humber,	Strickland,
Ballanger,	Harper of Sumter,	Saulter,
Clark,	Harper of Terrell,	Shumate,
Cloud,	Hall of Bullock,	Shackleford,
Cleghorn,	Johnson of Towns,	Scott,
Darnell,	Johnson of Forsyth.	Sorrells,
Erwin,	Lane,	Thomason,
Fitzpatrick,	Madison,	Watkins,
Franks,	Nash,	Wilcher,
Fowler,	Neal,	Warren of Quitman,
Fryer,	Parks,	Williams of Haralson,
Fincannon,	Pepper.	Williams of Morgan.

Yeas 56.

Nays 48.

So the motion prevailed, and the Speaker declared the House adjourned in accordance therewith.

MONDAY, July 11, 1870,
12 o'clock M.

The House met pursuant to adjournment, the Speaker in the Chair.

Prayer by the Rev. Mr. Smith, of the county of Charlton.

The call of the roll was, on motion, dispensed with.

The Journal was read and approved.

Mr. Watkins offered the following resolution; which, on motion, was taken up, read and agreed to, to-wit:

Resolved, That the Hon. Henry W Hilliard be invited to a seat on the floor of this House during his stay in the city.

Mr. Hall of Meriwether offered the following resolution; which, on his motion, was taken up and read, to-wit:

WHEREAS, The Treasurer is retaining a large amount of money at three per cent. interest as a part of the Educational Fund;

AND WHEREAS, There is no present demand for disbursement, on account of school purposes;

AND WHEREAS, The State is always constitutionally indebted to the School Fund the amount received from the several sources set apart for that purpose;

AND WHEREAS, It is unwise to loan State money at three per cent., and at the same time borrow money for State purposes at a higher rate of interest;

Be it resolved by the Senate and House of Representatives, That the Treasurer be, and he is hereby, authorized and directed to pay all lawful demands upon the Treasury from any funds now under his control.

Mr. Lane of Brooks moved to lay the same on the table. The motion did not prevail.

Mr. Lee moved that it be made the special order for to-morrow; which motion was lost.

On motion of Mr. Porter the same was indefinitely postponed.

The following message was received from the Senate, through Mr. Mills, their Secretary:

Mr. Speaker:

The Senate have adopted the following joint resolution, in which they ask the concurrence of the House, to-wit:

Resolved, That the Appropriation Act of 1869 be, and it is hereby, continued in full force and effect until otherwise ordered by the General Assembly.

On motion of Mr. Johnson of Towns, the same was taken up and read.

Upon the proposition of concurring in the foregoing resolution, Mr. Scott required the yeas and nays to be recorded.

Those voting in the affirmative are Messrs.

Atkins,	Guilford,	Nesbit of Gordon,
Armstrong,	Gullatt,	O'Neal of Baldwin,
Allen of Jasper,	Holcombe,	Page,
Allen of Hart,	Houston,	Porter
Bell,	Haren,	Perkins of Dawson,
Bethune,	Hutchings,	Reid,
Belcher,	Hooks,	Rice,
Beard,	Hall of Meriwether,	Rogers,
Barnes,	Joiner,	Richardson,
Campbell,	Jackson,	Simms,
Clower,	Johnson of Towns,	Scroggins,
Costin,	Johnson of Spalding,	Smith of Charlton,
Colby,	Lee,	Smith of Muscogee,
Cunningham,	Lane,	Tweedy,
Darnell,	Lastinger,	Turner,
Davis,	Linder,	Watkins,
Floyd,	Maull,	Warren of Burke,
Golden,	Moore,	Williams of Harris,
Gardner,	McCormick,	Williams of Haralson.

Those voting in the negative are Messrs.—

Brown,	Hook,	Perkins of Cherokee,
Barnum,	Humber,	Rainey,
Bradford,	Harris of Murray,	Rosser,
Clark,	Harper of Sumter,	Rumph,
Caldwell,	Harrison of Franklin,	Strickland,
Cleghorn,	Harrison of Hancock,	Stone,
Claiborne,	Hall of Bulloch,	Saulter,
Cobb,	Hall of Glynn,	Sisson,
Duncan,	Madison,	Scott,
Erwin,	McArthur,	Smith of Ware,
Felder,	Neal,	Turnipseed,
Fowler,	Nash,	Vinson,
Fryer,	Osgood,	Walthall,
Fincannon,	Parks,	Wilcher,
Gober,	Paulk,	Warren of Quitman,
Gray,	Pepper,	Zellars.

Yeas 57

Nays 48.

So the resolution was concurred in.

Leave of absence was granted Messrs. Adkins, Saulter and Tumlin for a few days on important business; and, to Messrs. Kytte and Williams of Morgan, because of sickness in their families.

Mr. Duncan of Houston offered the following resolution; which, on motion, was taken up, read and agreed to, to-wit:

Resolved, That Mr. D. W. D. Bouilly, of the Hawkinsville Dispatch, be invited to a seat on the floor of the House.

The House then, on motion of Mr. O'Neal of Baldwin, adjourned until 10 o'clock to-morrow.

TUESDAY, July 12, 1870,
10 o'clock A. M.

The House of Representatives met pursuant to adjournment, the Speaker in the Chair.

Prayer by the Rev. Dr. Hamilton.

The call of the roll was, on motion, dispensed with.

The Journal was read and approved.

Mr. Hall of Meriwether moved to reconsider so much thereof as relates to the indefinite postponement of the motion authorizing the Treasurer of the State to pay legal demands against the State out of any funds now under his control.

Upon this proposition Mr. Hooks of Wilkinson called the previous question; which was sustained.

The main question was put, to-wit: the question of reconsidering the foregoing resolution.

Upon this the yeas and nays were required to be recorded.

Those voting in the affirmative are Messrs.—

Allen of Hart,	Hooks,	Prudden,
Bell,	Humber,	Perkins of Dawson,
Bethune,	Harris of Munnay,	Reid,
Barnes,	Harper of Sumter,	Rainey,
Barnum,	Harper of Terrell,	Rosser,
Clark,	Harrison of Franklin,	Rogers,
Cobb,	Hall of Meriwether,	Rumph,
Darnell,	Hall of Glynn,	Simms,
Duncan,	Johnson of Spalding,	Stone,
Franks,	Lee,	Shumate,
Felder,	Lastinger,	Scroggins,
Fowler,	Maxwell,	Smith of Charlton,
Fryer,	Maull,	Tweedy,
Gober,	McArthur,	Turner,
Gardner,	Nesbit of Gordon,	Vinson,
Gullatt,	Page,	Watkins,
Hillyer,	Parks,	Warren of Quitman,
Holcombe,	Pepper,	Zellars
Hughes,	Porter,	

Those voting in the negative are Messrs.—

Armstrong,	Floyd,	Moore,
Allen of Jasper,	Fincannon,	McCormick,
Belcher,	Goodwin,	Nash,
Beard,	Gray,	O'Neal of Lowndes,
Brown,	Guilford,	O'Neal of Baldwin,
Ballanger,	Houston,	Paulk,
Bradford,	Haren,	Perkins of Cherokee,
Campbell,	Hutchings,	Rice,
Caldwell,	Hook,	Richardson,
Clower,	Harris of Glascock,	Shackleford,
Cleghorn,	Harrison of Hancock,	Sisson,
Costin,	Hall of Bulloch,	Scott,
Colby,	Joiner,	Smith of Muscogee,
Cunningham,	Jackson,	Turnipseed,
Davis,	Johnson of Towns,	Warren of Burke,
Ellis,	Johnson of Forsyth,	Williams of Harris,
Erwin,	Lane,	Williams of Haralson.
Fitzpatrick,	Linder,	

Yeas .56

Nays 53.

So the motion to reconsider prevailed.

Mr. Scroggins offered the following resolution ; which was taken up, read and agreed to, to-wit :

Resolved, That Major U. B. Wilkinson be tendered a seat on the floor of the House during his stay in the city.

On motion of Mr. Shumate the resolution reconsidered this day was taken up and referred to the Committee on Finance.

Leave of absence was granted Mr. Harkness for a few days on special business.

Mr. Hooks of Wilkinson offered the following resolution; which was, on motion, taken up, read and agreed to, to-wit:

Resolved, That Hon. E. S. Griffin and Colonel J. H. Fitzpatrick be tendered seats on the floor of the House during their stay in the city.

The Speaker announced the following standing committees of the House, to-wit:

ON FINANCE.

Messrs. Hall of Meriwether, Chairman; Bell of Banks, McArthur, Page, Harrison of Franklin, Higdon, Harper of Sumter, Fowler, Cunningham, Smith of Charlton, Parks, Maxwell, Perkins of Dawson, Duncan, Rawles, Floyd, Simms, Gober, Hooks, Tweedy and Anderson.

ON JOURNALS.

Messrs. Harrison of Franklin, Chairman; Perkins of Dawson, Rainey, Holden, Sewell, Watkins, Paulk, Thomson, Harrison of Hancock, Davis, Gray, Fryer, Pepper and Kytle.

ON ENGROSSING.

Messrs. Zellars, Chairman; Brown, Bennett, Goodwin, Harkness, Hook, Hall of Bulloch, Nisbet of Dade, Allen of Jasper, Reddish, O'Neal of Baldwin, and Beard of Richmond.

ON ENROLLMENT.

Messrs. Carson, Chairman; Rice, Belcher, Barnum, Rosser, Anderson, Neal, Johnson of Spalding, Holcombe and Osgood.

Mr. Porter moved to adjourn until 12 o'clock M. to-morrow.

Mr. O'Neal of Baldwin until 10 A. M. to-morrow.

Mr. Turner until Friday, the 15th instant, 12 o'clock M.

The motions of Messrs. Porter and Turner were lost.

That of Mr. O'Neal of Baldwin prevailed; and the Speaker declared the House adjourned until 10 o'clock A. M. to-morrow, in accordance therewith.

WEDNESDAY, July 13, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the Chair.

Prayer by the Rev. Mr. Cloud, of the county of Clayton.

On motion of Mr. Parks the call of the roll was dispensed with.

The Journal was read and approved.

Mr. Armstrong offered a resolution tendering a seat on the floor of this House to the Rev. Dr. Wills, during his stay in the city.

The same was, on motion, taken up, read, and agreed to.

The House took up, as the first business in order, a resolution directing the Treasurer to pay out of any money in the Treasury, not otherwise appropriated, the scrip or warrants issued to members of the Constitutional Convention of 1867-'8, with interest from the date of issue.

Referred, on motion of Mr. Cleghorn, to the Committee on Finance.

The resolution to amend Miscellaneous Rules of the House, numbers 17 and 19, came up in its regular order, and was withdrawn by the mover, Mr. Darnell, with the consent of the House.

A resolution to add a proviso to Rule No. 16, on Decorum and Debate, was taken up in its order and, on motion of Mr. Duncan, laid on the table.

Mr. Johnson of Spalding offered a resolution tendering a seat on the floor of the House to General Krzyzanowski, during his stay in the city, which was, on motion, taken up, read, and agreed to.

Leave of absence for a few days was granted Messrs. Hamilton, Harper of Terrell, Price of Lumpkin, and Houston.

Mr. Bethune offered the following resolution, which was taken up and read, to-wit :

WHEREAS, It is probable that the Congress of the United States will adjourn on the 15th instant ;

AND WHEREAS, It is hoped and believed that our *status* will be determined by the passage of an act admitting the State to representation in Congress before said adjournment ;

AND WHEREAS, In the event of the adjournment of Congress without admitting this State to representation, it is desirable that we should proceed to enact legislation necessary for the interests of the State and in pursuance of the new Constitution ratified by the people ;

Now, therefore, be it

Resolved by the Senate and House of Representatives, That a committee of three from the Senate and five from the House be appointed to confer with his Excellency the Provisional Governor and the General commanding this district under the reconstruction acts, and after considering the whole subject, make a report and recommendation to the General Assembly at 12 o'clock M., on Monday, the 18th instant.

Pending discussion on the foregoing resolution, Mr. O'Neal of Lowndes moved an adjournment until Friday, the 15th instant, 10 o'clock A. M. This motion was lost.

Mr. Scott offered the following resolution, to-wit :

Resolved, That, the Senate concurring, we do now adjourn until the first Wednesday in August : Provided, That members shall not be entitled to per diem during the interim.

This resolution, on motion of Mr. Darnell, was laid on the table.

A motion was then made to adjourn until 12 o'clock M. to-morrow, which was lost, and the House, on motion of Mr. Fitzpatrick, adjourned until 10 o'clock A. M. to-morrow.

THURSDAY, July 14, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the Chair.

Prayer by the Rev. Mr. Felder, of the county of Houston.

On motion of Mr. Darnell the calling of the roll was dispensed with.

Mr. Hall of Meriwether offered a resolution tendering a seat on this floor to Colonel Randolph L. Mott, during his stay in the city.

The same was taken up, read and agreed to.

The resolution pending at the adjournment on yesterday was taken up and, on motion of Mr. Shumate, laid on on the table.

The rule was suspended for the call of the counties for the introduction of new matter.

The Clerk proceeded therewith, and the following bills and resolutions were introduced and read the first time, to-wit :

By Mr. Fitzpatrick—

A bill to add an additional section to the Penal Code of this State.

Also, a bill to change the method of enforcing liens from the steamboat method to the method of enforcing mortgages on personal property.

Also, a bill fixing compensation of the scrivener in making records in cases of felonies tried in the courts of this State.

By Mr. Cleghorn—

A bill to incorporate "The North Georgia & Tennessee Railroad Company; to grant certain powers and privileges to the same, and for other purposes."

By Mr. Anderson—

A resolution to inquire into the present status of the State Printing.

By Mr. Porter—

A bill to repeal the 4736th section of Irwin's Code.

Also, a bill to levy and collect a tax for the support of government for the year 1870.

Also, a bill to authorize the Governor to organize and equip volunteer companies.

Pending the reading of this last mentioned bill, Mr. Shumate rose to a point of order, assuming that the same was in direct conflict with the law of the United States, and therefore out of order.

The point of order was sustained by the Speaker, and the mover permitted to withdraw the bill.

By Mr. Simms—

A bill to amend an act entitled "an act for the more efficient preservation of peace and good order on election days in this State."

Also, a bill to repeal an act prohibiting the sale and purchase of agricultural products in the counties of Lowndes and Macon.

By Mr. Osgood—

A bill to incorporate The People's Savings Bank & Trust Company.

Also, a bill to make appropriations for leveling breast-works, etc., around the city of Savannah.

By Mr. McDougald—

A bill to incorporate the North & South Railroad Company of Georgia, from Rome to Columbus Georgia; to grant certain powers and privileges to the same, and for other purposes.

By Mr. Fowler—

A bill to incorporate the Ringgold & Cooper's Gap Rail-

road Company, and to extend the aid of the State to said company, and for other purposes.

Also, a bill for the appointment of a joint committee to inquire what legislation is necessary in reference to debts existing on the first day of June, 1865.

By Mr. Scroggins—

A bill for the relief of Adelia J. Edmondson, of the county of Coweta.

By Mr. Davis—

A bill to authorize the Intendant and Wardens of the town of Athens to aid in the extension of the Georgia Railroad, or the construction of any other railroad from Athens to the Rabun Gap.

By Mr. Watkins—

A resolution to declare general amnesty.

By Mr. Goodwin—

A bill to incorporate the town of Euharlee, in the county of Bartow; to appoint commissioners for the same, and for other purposes therein mentioned.

By Mr. Ford—

A bill to incorporate the Lookout Mountain Railroad Company.

Also, a bill to authorize Nathan Chapman and W. D. Wenburn to exhibit the sleight-of-hand in the State of Georgia free of taxation.

By Mr. Armstrong—

A bill to alter and amend the third paragraph of section 1969 of Irwin's Code of Georgia.

By Mr. Scott—

A bill to amend an act entitled "an act to incorporate the Memphis Branch Railroad Company, and to grant certain powers and privileges to the same, and for other purposes," approved October 10, 1868.

Also, a bill to authorize the Mayor and Council of the city of Rome to subscribe not exceeding one hundred thousand dollars of stock in the Memphis Branch Railroad, upon certain conditions, and for other purposes.

Also, a bill to extend aid and lend the credit of the State of Georgia to the Memphis Branch Railroad Com-

pany, and to amend the charter of the same, and for other purposes.

Also, a bill to amend an act entitled "an act to incorporate the town of Forrestville, in the county of Floyd; to appoint commissioners for said town, extend the corporate limits thereof, and for other purposes."

By Mr. Hall of Glynn—

A bill requiring the State Treasurer to refund to L. W. Hazlehunt, of Wayne county, \$230, amount of tax overpaid.

Also, a bill to create a board of commissioners of roads and revenue in the county of Glynn.

By Mr. Bethune—

The following resolution, to-wit:

Resolved, That the Treasurer be authorized to advance to each member and officer of the General Assembly the sum of two hundred dollars on their *per diem*, out of any money now in the Treasury.

The same was, on motion, taken up, read, and agreed to.

Leave of absence was granted for a few days to Messrs. Gray, Seale, Nisbet of Dade, Allen of Jasper and Cobb.

On motion of Mr. Harrison of Hancock the House adjourned until 10 o'clock A. M. to-morrow.

FRIDAY, July 15, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the Chair.

Prayer by the Rev. Mr. Crumley.

On motion of Mr. Johnson of Towns the call of the roll was dispensed with.

The Journal was read and approved.

The call of the counties for the introduction of new

matter was resumed, when the following bills and resolutions were introduced and read the first time, to-wit:

By Mr. Colby—

A bill to incorporate the town of Greensboro; to define its powers; to provide for its government, and for other purposes.

By Mr. Parks—

A bill to change the time of holding the Superior Courts of the counties of Jackson and Gwinnett.

By Mr. Erwin—

A bill to incorporate the town of Clarksville, in the county of Habersham; to appoint commissioners for the same, and for other purposes.

By Mr. Maxwell—

A bill to change the line between the counties of Henry and Butts.

By Mr. Matthews—

A bill to amend the charter of the Planters' Warehouse Company of the city of Macon.

By Mr. Duncan—

A bill to change the time of holding the Superior Court of Houston county.

Also, a resolution to appoint a committee to draft and report a general State aid bill.

Also, a bill to incorporate the Fort Valley & Hawkinsville Railroad Company, and for other purposes.

Also, a bill to extend, continue and renew the banking privileges of the Central Railroad & Banking Company of Georgia.

By Mr. Felder—

A bill to incorporate the Macon Agricultural & Manufacturing Company, and for other purposes.

Also, a bill to apply provisions of an act relating to sale of agricultural products, approved 4th March, 1869, to the counties of Houston and Sumter.

By Mr. Page—

A bill for the relief of John A. Walden, of the county of Lee.

By Mr. O'Neal of Lowndes—

A bill to remove the county of Lowndes out of the Southern into the Brunswick Judicial Circuit, and to fix the times of holding the Superior Courts of said county.

Also, a resolution that one clerk each, for the Judiciary and Finance Committees, are the only committee clerks that will be recognized and paid by this House.

By Mr. Hall of Meriwether—

A bill to amend the homestead law of this State.

A bill to point out the mode of paying the fees of the Solicitor General of the Tallapoosa Judicial Circuit, and for other purposes therein named.

Also, a resolution authorizing the Speaker to appoint a standing committee on the library.

By Mr. Maull—

A bill to repeal an act for levying a tax for payment of clerks and sheriffs in criminal cases in certain counties.

By Mr. Lee—

A bill amendatory of an act incorporating the Ocmulgee & North Georgia Railroad Company.

By Mr. Cunningham—

A bill to repeal all acts abrogating or impairing the statutes of limitation in the collection of debts.

Also, a bill to allow compensation to the various Ordinaries of the State of Georgia for county services.

By Mr. Strickland—

A resolution instructing the Judiciary Committee to prepare and report a bill for the equitable distribution of the School Fund among the several counties of this State.

By Mr. Darnell—

A bill to create a board of commissioners of roads and revenue for the county of Pickens.

Also, a bill to establish a system of public instruction.

By Mr. Carpenter—

A bill to change the county line between the counties of Ware and Pierce.

A bill to grant to certain persons, therein named, the right to dig and mine in the beds of the navigable streams and waters of the State of Georgia for phosphate rocks and phosphatic deposits.

By Mr. Jackson—

A resolution for the suppression of midnight assassins, known as "Ku-Klux Klans."

By Mr. Bryant—

A bill providing that, from one jury to another, in the City Court of Augusta, there shall be no appeal, and for other purposes.

Also, a bill prohibiting whipping as a punishment for crime in this State, and for other purposes therein mentioned.

Also, a bill to establish a system of public instruction.

By Mr. Tweedy—

A bill to incorporate the "Elgin Slate Company," and for other purposes.

Also, a bill to amend an act to incorporate the Savannah Bank and Trust Company, of Savannah, approved March 4, 1869.

Also, a bill to incorporate the "Empire Slate Works."

Also, a bill to incorporate the Georgia Banking Company, of Savannah, Georgia.

Also, a resolution rescinding a resolution, approved March 12, 1869, declaratory of the true intent of an act loaning the credit of the State to the Cartersville & Van Wert Railroad Company.

By Mr. Barnum—

A bill to protect the agricultural interests of the county of Stewart, and for other purposes therein mentioned.

By Mr. Holden—

A bill for the relief of Thomas W Flemming, former United States Surveyor of the port of Augusta, Georgia, and his securities on his official bond.

By Mr. Harper of Terrell—

A bill to alter and amend the Road Laws of this State, so far as they relate to the county of Terrell.

Also, a bill declaratory of the true intent of the first clause of section 4191 of the Revised Code of Georgia.

Also, a bill to provide for the hearing, upon the merits, of certain cases in the Supreme Court which have been dismissed on technicalities.

By Mr. Bethune—

A bill to amend the laws of this State in relation to the collection of taxes in the county of Talbot.

Also, a bill to incorporate the Newnan & Americus Railroad Company.

The following message was received from the Senate through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have adopted the following resolution :

Resolved by the Senate and House of Representatives, That the Treasurer of the State be authorized to advance to each member of the General Assembly and its officers the sum of two hundred dollars, the same to be accounted for in a settlement of their final accounts for per diem and mileage.

The Speaker, by request of his Excellency the Governor, communicated to the House the fact that the President of the United States signed the Georgia Bill this day at 11 o'clock A. M.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have concurred in the House resolution authorizing the Treasurer to pay members and officers of the General Assembly two hundred dollars each.

Mr. Smith of Charlton, from the committee appointed to select chaplains for the House of Representatives, reported the performance of the duty assigned, and that the Rev. Dr. W T. Brantly and Rev. Wm. M. Crumley had consented to serve in said capacity.

The following resolutions were offered, taken up, read and adopted, to-wit :

By Mr. Fitzpatrick—

Tendering seats on the floor of this House to Hon. —

Nesbit and Rev. Dr. Wills, of Macon, Georgia, during their stay in this city.

By Mr. Hall of Glynn—

A resolution tendering seats on the floor of this House to John M. Guerand, Esq., and Major W S. Bassenger, while in the city.

By Mr. Franks—

A resolution tendering a seat on the floor of the House to Mr. James Madison Jones during his stay in the city.

By Mr. Scroggins—

A resolution tendering a seat on the floor of the House to Ebin Doughlass, Esq., during his stay in the city.

Leave of absence was granted Mr. Barnum, on special business, for a few days, and to Mr. Sorrells on account sickness in his family.

Mr. O'Neal of Lowndes moved that the House adjourn until 12 o'clock M. Monday next.

Mr. Felder moved to adjourn until 10 o'clock A. M. tomorrow.

The motion of Mr. O'Neal was submitted and prevailed.

So the Speaker declared the House adjourned until 12 o'clock M. Monday.

MONDAY, July 18, 1870,
12 o'clock M.

The House met pursuant to adjournment, and was called to order by Mr. Tweedy, in compliance with the following letter of request from the Speaker:

HOUSE OF REPRESENTATIVES,
ATLANTA, GA., July 15, 1870.

Hon. Ephraim Tweedy, Representative from Richmond county:

SIR—As I have been unexpectedly called home on account of sickness in my family, you will please preside over the House on Monday next, July the 17th instant.

Yours, very respectfully,

R. L. MCWHORTER,
Speaker of House of Representatives.

Mr. Scott rose to a point of order, assuming that under the rules the Speaker could only call a member to the Chair during a day's sitting.

By request of Mr. Anderson, the rule relative to this subject was read.

Mr. Harper of Terrell then moved that Mr. Tweedy preside over the House of Representatives during the absence of the Speaker.

Mr. Tweedy withdrew from the chair.

The motion of Mr. Harper was submitted by the Clerk, and prevailed.

The chair was resumed by Mr. Tweedy, and the business of the day opened with prayer by the Rev. Mr. Crumley.

The call of the roll was, on motion, dispensed with.

The Journal was read and approved.

Mr. Turner moved a reconsideration of so much thereof as relates to the adoption of the report of the special committee appointed to select chaplains for the House.

Mr. Shumate moved to lay the motion of Mr. Turner on the table.

Upon this proposition Mr. Porter required the yeas and nays to be called.

Those voting in the affirmative are Messrs.—

Armstrong,	Gray,	Matthews,
Anderson,	Gullatt,	McArthur,
Bell,	Higdon,	McDougald,
Bethune,	Haren,	Neal,
Brewster,	Harkness,	Nash,
Brown,	Humber,	Osgood,
Ballanger,	Harris of Murray,	O'Neal of Lowndes,
Carson,	Harper of Sumter,	Parks,
Carpenter,	Harper of Terrell,	Paulk,
Clark,	Harrison of Franklin,	Phillips,
Caldwell,	Hall of Meriwether,	Pepper,
Claiborne,	Hall of Bulloch,	Prudden,
Duncan,	Hall of Glynn,	Perkins of Cherokee,
Erwin,	Johnson of Forsyth,	Rainey,
Felder,	Lee,	Rosser,
Fincannon,	Lane,	Rawles,
Goodwin,	Lastinger,	Rumph,
Gober,	Lindsey,	Sewell,

Strickland,	Scott,	Walthall,
Saulter,	Scroggins,	Wilcher,
Sisson,	Smith of Charlton,	Welchel,
Shumate,	Smith of Ware,	Williams of Haralson,
Seale,	Turnipseed,	Williams of Morgan.

Those voting in the negative are Messrs.—

Allen of Jasper,	Gardner,	Moore,
Allen of Hart,	Guilford,	McCormick,
Belcher,	Hillyer,	Nesbit of Gordon,
Barnes,	Holcombe,	O'Neal of Baldwin,
Campbell,	Hutchings,	Porter,
Clowers,	Harrison of Hancock,	Reid,
Costin,	Joiner,	Rogers,
Colby,	Jackson,	Richardson,
Cunningham,	Johnson of Towns,	Simms,
Darnell,	Johnson of Spalding,	Stone,
Davis,	Linder,	Smith of Muscogee,
Fitzpatrick,	Madden,	Turner,
Floyd,	Maull,	Zellars.
Golden,		

Yeas 69.

Nays 39.

So the motion to lay the motion to reconsider on the table prevailed.

The following message was received from his Excellency the Provisional Governor, through Mr. Atkinson, his Secretary, to-wit:

Mr. Speaker:

His Excellency the Provisional Governor has approved and signed the following resolution, to-wit:

“A resolution authorizing the Treasurer to advance each member and officer of the General Assembly two hundred dollars.”

Mr. McArthur offered the following resolution; which was taken up, read and disagreed to:

Resolved, That Colonel William B. Gaulden, of the county of Liberty, be tendered a seat on this floor during his stay in the city.

Resolutions tendering seats in this House to Mr. J. Clarke Swayze, editor of the American Union, and to Captain T. B. Noonan, correspondent of that paper, were offered and read.

Mr. Anderson called the attention of the House to a resolution already adopted, by which this privilege is extended to members of the press.

So no further action was taken on the resolutions mentioned.

Mr. Harrison of Hancock offered the following resolution, to-wit:

Resolved, That the daily sessions of this body shall convene at 10 A. M. and adjourn at 1 P. M.

Mr. Rice moved to lay the resolution on the table.

Upon this motion a division was called, resulting in 48 yeas and 27 nays.

The Speaker *pro tem.* declared the motion to lay on the table carried.

Mr. Darnell rose to a point of order, calling attention to the fact that a quorum had not voted on the question.

Mr. Shumate rose to a point of order, assuming that the objections of Mr. Darnell were too late, the decision having been previously announced by the Speaker.

The Speaker ruled that the point of order of Mr. Shumate was well taken.

The following message was received from the Senate, through Mr. Mills, their Secretary:

Mr. Speaker:

The Senate have adopted a resolution expressive of the respect of the General Assembly for the memory of the Hon. Joseph Adkins.

On motion of Mr. Shumate the session of this day was extended to half-past 1 o'clock P. M.

The following message was received from his Excellency the Provisional Governor, through Mr. Atkinson, his Secretary, to-wit:

Mr. Speaker:

I am directed by his Excellency the Provisional Governor to deliver to the House of Representatives a communication in writing.

The call of the counties for the introduction of new matter was resumed, when the following bills and resolutions were introduced and read the first time, to-wit :

By Mr. Bethune—

A bill to authorize the Trustees of the Le Vert College to convey the same to the South Georgia Conference.

Also, a bill to incorporate "Protection Hook and Ladder Company, No. 1," of Talbotton.

By Mr. Wilcher—

A bill to incorporate the town of Butler, in the county of Taylor.

By Mr. Carson—

A bill to amend an act entitled "an act to prohibit the sale and purchase of agricultural products in the counties of Lowndes and Macon."

By Mr. Guilford—

A bill to authorize the Governor of this State to organize and equip volunteer companies.

By Mr. Hooks of Wilkinson—

A bill to authorize the Central Railroad and Banking Company, of Georgia, to straighten its line of road, and for other purposes.

By Mr. Belcher—

A resolution to instruct the Judiciary Committee to report to the House what legislation is necessary to prevent county magistrates from exercising jurisdiction in cases of felony.

By Mr. Fitzpatrick—

A bill to provide for levying a tax upon the property of the Central Railroad & Banking Company, in the county of Bibb, for county purposes.

Also, a bill to annul and declare void the sale of the court-house and other public property in the county of Bibb.

By Mr. Shumate—

A bill to facilitate the carrying cases to the Supreme Court, and for other purposes therein mentioned.

Also, a bill to carry into effect the true intent and meaning of the third paragraph of the third section of the fifth Article of the Constitution of this State, so far as the same relates to the filing and defense on oath in all civil cases founded on contract.

Also, a bill to authorize the Ordinaries and Road Commissioners of the several counties to classify the public roads.

By Mr. Rosser—

A bill to change the county line between the counties of Stewart and Webster.

Also, a bill to incorporate the Americus & Florence Railroad Company, and for other purposes.

By Mr. Neal—

A bill to annex the county of Hancock to the Ocmulgee, and the county of Glascock to the Middle Circuit.

On motion of Mr. Duncan the session of to-day was extended to 2 o'clock P. M.

Mr. Hall, chairman of the Finance Committee, made the following report:

Mr. Speaker:

The Committee on Finance have had under consideration the resolution authorizing and directing the Treasurer to pay all lawful demands upon the Treasury from any funds now under his control, and recommend the adoption of the accompanying resolution in lieu of the original.

W. H. F. HALL,

Chairman Finance Committee.

On motion of Mr. Harper of Terrell the communication from his Excellency the Provisional Governor was taken up and read, and is as follows, to-wit:

ATLANTA, GA., July 18, 1870.

To the General Assembly:

GENTLEMEN—Unofficial information has been received, announcing the passage by Congress, and the approval by

the President, of an act to admit Georgia to representation in Congress. An official copy of the act will doubtless be received from the Secretary of State of the United States within a few days.

The act having been adopted during the last hours of the session, Congress adjourned without having admitted Senators or Representatives.

By section five of the reconstruction act of March 2, 1867, "the actual admission of Senators and Representatives is made a condition precedent to the abrogation of military authority;" and, unless otherwise ordered by the President, the military status will continue until the admission of Senators and Representatives, which will, without doubt, take place upon the re-assembling of Congress in December next. But I am informed that the General commanding will make no objection to the General Assembly proceeding with legislation.

RUFUS B. BULLOCK.

Mr. Madden moved a suspension of the rules for the purpose of taking up the report of the Finance Committee on the resolution authorizing the Treasurer to pay all legal demands upon the Treasury out of any funds now under his control.

The motion was lost.

Mr. Bethune, from the committee appointed to investigate charges against the Governor and Treasurer of the State, submitted a report with the request that for the present it lie on the table.

Mr. Shumate, from the same committee, gave notice that he would also submit a report.

Leave of absence was granted Mr. Wilcher on account of sickness, and to Mr. Duncan, after to-morrow, on special business.

On motion of Mr. Rainey the House adjourned until 10 o'clock A. M. to-morrow.

TUESDAY, July 19, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Mr. Crumley.

The call of the roll was, on motion, dispensed with.

The Journal was read and approved.

Mr. Anderson moved to reconsider so much thereof as relates to the rejection of the resolution tendering a seat on the floor of this House to Colonel W. B. Gaulden, of the county of Liberty, during his stay in the city.

The motion to reconsider prevailed, and the resolution was taken up and adopted.

The following bills, introduced yesterday, the reading of which was prevented by the adjournment, were taken up as unfinished business, and read the first time, to-wit:

By Mr. Williams of Morgan—

A bill to create a standard weight for cotton seed.

A bill to incorporate the town of Rutledge, and for other purposes.

A bill providing for the sale of certain bonds of the State.

By Mr. Goodwin—

A bill to alter, amend and add to the several acts incorporating the town of Cartersville, and to make valid certain acts of the officers of said town.

By Mr. Sisson—

A bill to amend and declare the laws of homesteads and exemptions.

By Mr. Perkins of Cherokee—

A bill to allow William H. Howard to peddle without paying license therefor.

By Mr. Johnson of Towns—

A resolution instructing the Messenger to clear the hall of all persons not entitled to seats herein.

By Mr. Perkins of Cherokee—

A bill to change the line between the counties of Cherokee and Pickens.

By Mr. Gober—

A bill to compel the owners of stock to prevent the same from running at large in Cobb county.

By Mr. Johnson of Towns—

A bill to prohibit persons from grazing stock in the county of Towns who are non-residents of this State.

By Mr. Pepper—

A bill to change the lines between the counties of Randolph and Calhoun.

Also, a bill to allow the collector of taxes for the county of Calhoun to turn over taxes collected by him to the Ordinary of said county.

By Mr. Davis—

A bill for the relief of Mrs. H. S. Camak, of the county of Clark.

By Mr. Scott of Floyd—

A bill to authorize the Mayor and Council of the city of Rome to issue bonds and borrow money for purposes therein specified.

By Mr. O'Neal of Baldwin—

A bill for the better securing and enforcing the payment of wages or compensation due to agricultural laborers.

By Mr. O'Neal of Lowndes—

A bill to enforce and prohibit the further violation of section 29, article 1, of the Constitution of the State of Georgia.

By Mr. Osgood—

A bill to relieve the members of the "Screven Hose Company," of Savannah, from jury and militia duty, etc.

Also, a bill to incorporate "The Forest City Mutual Loan Association," of Savannah.

Mr. Scott called attention to the fact that, under the Constitution of Georgia, the General Assembly has no jurisdiction of the subject-matter embraced in the last bill mentioned.

The Speaker suspended a decision on the same, for the purpose of its examination.

By Mr. Tumlin—

A bill to extend the corporate limits of the city of Bainbridge, and for other purposes therein mentioned.

Also, a bill to incorporate the Cuthbert Banking, Loan and Trust Company.

By Mr. Lane of Brooks—

A bill to relieve certain property from tax *fi. fas.*

Also, a bill to make penal the delivery and reception of agricultural products, after night, in the county of Brooks, under sale, barter or otherwise, and for other purposes.

Also, a bill to authorize James O. Morton and Isaiah H. Tillman, executors of the last will and testament of Matthew Young, to settle with and deliver to Silas M. Young (a minor) his entire interest under said will, and for other purposes.

By Mr. Joiner—

A bill to forfeit the franchises of Nelson Tift, and others, to erect a toll-bridge, or ferry, at or near Albany, in the county of Dougherty, and to authorize said county, or others, to erect free bridges, or ferries, on the Flint River in said county.

By Mr. Floyd—

A bill to change the times of holding the Superior Courts of Morgan county.

By Mr. Caldwell—

A bill to amend the charter of the city of La Grange, and to confer additional powers upon the Mayor and Council of said city.

By Mr. Cloud—

A bill to make it a misdemeanor to purchase from tenants undivided crops without the consent of landlords.

By Mr. Williams of Morgan—

A bill for the relief of Lester Markham, and for other purposes.

By Mr. Saulter—

A bill to incorporate the Pulaski Manufacturing Company of Hawkinsville, Georgia.

By Mr. Fitzpatrick—

A bill authorizing Owen Roach to peddle without paying tax therefor.

By Mr. Hillyer—

A bill to establish a uniform system of common schools in this State.

By Mr. Maxwell—

A bill to enable John J. Dickey, of the county of Henry, to peddle without license in this State.

Mr. Madden moved to take up for action the report of the Finance Committee made to the House on yesterday

The motion did not prevail.

Mr. Rice moved a suspension of the rules for the introduction of a resolution construing paragraph 5, section 4, of the Constitution of the State relative to the reading of bills.

The motion did not prevail.

Mr. Lee, from the committee appointed to investigate and report in regard to the management of the Western & Atlantic Railroad, submitted a majority report, with the request that for the present it lie on the table.

Mr. Phillips, from the same committee, gave notice that he would submit a minority report.

Mr. Brown offered the following resolution, which was taken up, read and agreed to, to-wit :

WHEREAS, A mysterious dispensation of Divine Providence has permitted to be taken from our midst the Hon. Robert W. Flournoy, Representative from the county of Washington;

Be it therefore—

Resolved, That the House of Representatives of the State of Georgia set apart Friday, the 22d instant, at 11 o'clock, for the delivery of eulogies upon our deceased friend.

Mr. Fowler offered a resolution relative to the School Fund of this State, which was taken up, read, and, on motion of Mr. Bell of Banks, referred to the Committee on Finance.

Leave of absence was granted Mr. Scott for a few days on account of special business, and to Mr. Felder because of sickness in his family.

On motion of Mr. Simms the rule was suspended for the purpose of taking up the Senate resolution of respect to the memory of the Hon. Joseph Adkins, deceased.

The same was concurred in, and the House, on motion of Mr. Simms, adjourned until 10 o'clock A. M. to-morrow.

WEDNESDAY, July 20, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Mr. Crumley.

The call of the roll was, on motion, dispensed with.

The Journal was read and approved.

Mr. Price of Lumpkin offered the following resolution, which was taken up, read, and adopted :

Resolved, That a seat on the floor of this House be tendered the Rev. Hermann Bokum, late Commissioner of Immigration for the State of Tennessee, but now a resident of the city of Atlanta.

Mr. Phillips, from the committee appointed to investigate the affairs and management of the Western & Atlantic Railroad, offered a minority report, with the request that, for the present, it lie on the table.

Mr. Hall of Meriwether, chairman of the Finance Committee, made the following report, to-wit :

Mr. Speaker :

The Committee on Finance have had under consideration the resolutions requiring the Comptroller General to ascertain, as soon as practicable, the definite amount constitutionally due the Educational Fund, and requiring the same to be deposited according to the direction of the Governor and to the best interest of said fund, until it shall be needed, which they recommend be adopted.

W H. F. HALL,
Chairman Finance Committee.

On motion of Mr. Hall of Meriwether the resolution referred to in the foregoing report was taken up and read, to-wit :

WHEREAS, One hundred and seventy-five thousand dollars of the State's money has been for some time on deposit, at the rate of three per centum per annum, under the idea that this, or a larger amount, is due the Educational Fund ;

AND WHEREAS, The Governor has not been consulted as to the terms and place of said deposit, as the law prescribes in reference to the Educational Fund ;

AND WHEREAS, The definite amount due the Educational Fund has not been ascertained :

Resolved by the House of Representatives, the Senate concurring, That the Comptroller General be, and he is hereby, required to ascertain, as soon as practicable, the definite amount constitutionally due the Educational Fund, and report the same to the Governor.

2. *Resolved,* That when such amount shall be ascertained, that said amount so found to be due said fund be separated from any money that may then be in the treasury ; or, if an insufficient amount shall then be in the treasury, such amount shall be taken from any money that may come into the treasury from taxation, or from any other source, as will make the whole amount due the said Educational Fund.

3. *Resolved,* That this amount, when ascertained and set apart as hereinbefore provided, and all other amounts which may hereafter be set apart as Educational Fund, be deposited, under the direction of the Governor, to the best advantage and for the benefit of the Educational Fund, until such fund shall be required for school purposes, according to law ; and that the Treasurer be, and he is hereby, required to conform to the law prescribing the deposit of the said fund.

Pending a motion for the adoption of the foregoing resolutions, the Speaker informed the House that a commu-

nication of the State Treasurer was on his desk, accompanied by a request that it be submitted to the House.

Mr. Williams of Morgan moved that the communication of the Treasurer be read.

Upon this motion the yeas and nays were required by Mr. Hillyer to be recorded.

Those voting in the affirmative are Messrs.—

Armstrong,	Gullatt,	Phillips,
Anderson,	Higdon,	Pepper,
Allen of Hart.	Harden,	Prudden,
Bennett,	Harkness,	Perkins of Cherokee.
Brewster,	Hughes,	Reddish,
Brown,	Hook,	Rainey,
Ballanger,	Humber,	Rosser,
Bryant,	Harris of Murray,	Rawles,
Bradford,	Harper of Sumter,	Rumph,
Carpenter,	Harper of Terrell,	Strickland,
Clark,	Harrison of Franklin,	Stone,
Caldwell,	Hall of Bulloch,	Sisson,
Cloud,	Hall of Glynn,	Shumate,
Cleghorn,	Lee,	Seale,
Cobb,	Lane,	Smith of Ware,
Erwin,	Lastinger,	Thomason,
Evans,	Madison,	Turner,
Fitzpatrick,	Matthews,	Tumlin,
Fowler,	Maxwell,	Turnipseed,
Ford,	McArthur,	Vinson,
Fryer,	Nash,	Welchel,
Fincannon,	Osgood,	Warren of Quitman,
Goodwin,	Parks,	Williams of Morgan,
Gober,	Price,	Zellars.
Gray,	Paulk,	

Those voting in the negative are Messrs.—

Allen of Jasper,	Ellis,	Hooks,
Bell,	Franks,	Harrison of Hancock,
Bethune,	Floyd,	Hall of Meriwether,
Barnes,	Golden,	Joiner,
Campbell,	Gardner,	Jackson,
Clowers,	Guilford,	Johnson of Towns,
Costin,	Hillyer,	Johnson of Spalding,
Colby,	Holcombe,	Johnson of Forsyth,
Cunningham,	Houston,	Linder,
Darnell,	Haren,	Lindsey,
Davis,	Hutchings,	Madden,

Maull,	Porter,	Saulter,
Moore,	Perkins of Dawson,	Shackleford,
Neal,	Reid,	Smith of Muscogee,
Nesbit of Gordon.	Rogers,	Tweedy,
O'Neal of Lowndes,	Richardson,	Warren of Burke,
O'Neal of Baldwin,	Simms,	Williams of Haralson.

Yeas 74.

Nays 51.

Mr. O'Neal of Lowndes rose to a point of order, assuming that said communication was in the nature of new matter, requiring a suspension of the rules by a vote of three-fourths, and referred, in support of his position, to Miscellaneous Rule of the House, No. 17.

The point of order of Mr. O'Neal was sustained, and the motion, not having received a vote of three-fourths of the members present, was declared lost.

On motion of Mr. O'Neal of Lowndes the resolutions under consideration were re-committed, together with the Treasurer's communication, to the Finance Committee.

On motion of Mr. Costin it was determined that when the House adjourn this day, it adjourn until 10 o'clock A. M. Friday, the 22d instant.

Mr. Hillyer, from the committee charged with the duty of investigating the condition of the Georgia Penitentiary, presented a report, which, on motion, was taken up and read, and is as follows, to-wit:

To the Senate and House of Representatives of Georgia:

We have the honor to submit the following report and accompanying testimony, made and taken in pursuance of a resolution passed at the last session of the General Assembly, to-wit:

"5. *Resolved*, That a similar joint committee be appointed, whose duty it shall be to visit the Penitentiary, and the different places where the convicts are employed, and make a thorough examination into the condition and manner of the treatment of said convicts, and render a full report to the General Assembly on its re-assembling.

“6. *Resolved*, That each of said committees be authorized to employ a clerk fully competent to discharge the duties, and that each of said committees be authorized to send for persons and papers, and administer oaths.”

The committee, preparatory to entering upon its duties, held a meeting in the city of Atlanta, upon the adjournment of the last session of the Legislature, and elected Mr. John J. Newton clerk of the committee, and then adjourned, to meet in Milledgeville, Georgia, on May 20. In pursuance of said adjournment, the committee met, and on the 21st of May proceeded to take testimony.

Mr. John Darnell, the Principal Keeper, was first interrogated, who made several charges against the lessees, Messrs. Grant, Alexander & Co., of cruel treatment to the convicts in divers ways.

The Principal Keeper seemed to know but little of the management and treatment of the convicts of his own knowledge, he having spent nearly all his time in Milledgeville, where there are but few of the convicts kept, nearly the entire number being employed on the Macon & Augusta and Air-Line Railroads.

After taking the testimony of a large number of witnesses in and around Milledgeville, and visiting the stockades and places of work on the Macon & Augusta Railroad, where a large number of the convicts are employed, under the immediate charge of Mr. William D. Grant, one of the lessees, the committee adjourned to Atlanta, and here took a large amount of testimony, and from here visited the Air-Line Railroad, where the balance of the convicts are engaged, under the immediate supervision of Thomas Alexander, one of the lessees.

The committee went among the prisoners, and conversed freely with them upon their treatment generally, and inspected their clothing, rations, hospital accommodations and diet, and the places provided for their security and rest at night.

Every effort was made to gather all the information that the committee could reasonably obtain.

In taking testimony, every person was allowed to come before the committee that wished to give evidence, except the convicts themselves, and with them conversations were freely held, as before stated. Many of the witnesses were discharged convicts.

It is due to the lessees here to state, that they were prevented from confronting the witnesses. This probably is the cause of but very little or no rebutting testimony being taken.

The lessees themselves stating that their exclusion from the presence of the witnesses would prevent any effort on their part to refute statements made against them.

This course was adopted by the committee to prevent intimidation of the witnesses that were expected to come before it; and considering, too, their investigation one more of inquiry than trial.

The committee also investigated, from general rumor, some charges of conversion of public property by former officers of the Penitentiary, and find that a lot of iron was taken from the Penitentiary and sold by O. H. Walton, former Principal Keeper, for the sum of nine hundred dollars, of which only five hundred dollars has been returned to the State. Also, other articles of property, taken and now being used by parties, and no amount paid to the State for the same. Also, in the purchase and sale of other articles, we find larger prices charged the State than the articles cost, and smaller prices charged for articles sold, especially to officers of the Penitentiary, than the cost of said articles to the State; for the full particulars of which we respectfully refer you to the accompanying testimony.

The testimony is extensive and conflicting, and much of it is, and should be, considered with much allowance, as there are many reasons why imaginations are so often construed, encouraged, and cultivated, until they seem to become facts; and especially in cases like theirs, when it is so easy for passion, interest, malice, and revenge to creep in, with all their biasing influences, upon the judgment and action of man.

The committee, however, after considering the matter

in all its phases, think they are sustained in reporting as follows :

That the general condition of the prisoners is good. Their personal appearance supports, very strongly, this conclusion.

Their clothing is comfortable, with sufficient changes.

Their food is of a good, wholesome quality, with a fair variety, and abundantly dealt to them.

Of their medical treatment the committee had but little means of adjudging ; though, from what information we derived, we are of the opinion that it may answer the purpose.

The stockades or quarters are, in the opinion of the committee, too small for the number of prisoners usually required to sleep in them, especially in warm weather.

The hours allowed them for sleep are, in some cases, insufficient during the short nights. The calling of the cooks from among those that labor hard, at a very early hour in the morning, necessarily arouses all the balance. And the committee could hardly escape conscientious reprimand, not to mention and endeavor to correct some practices that are had by the lessees, and others tolerated among the convicts on the Sabbath.

Those that are had by the lessees are different kinds of labor that the convicts are hired to do on the Sabbath day. Those that are tolerated and practiced among the convicts are numerous immoral modes of passing off the Sabbath day, such as playing cards, dice, and other like games.

And whilst we admit that moral, religious teachings in prisons seem to have had little or no good effect upon the prisoners, at least such is information upon "Prison Moral Reform," that we regret to see that there has been no provision to have proper religious instruction given to the prisoners in their charge.

There have been a few visits and sermons made to them by ministers located near the places where the convicts were kept, but this is very irregular and seldom.

The mode of punishment adopted by the lessees is whipping with a leather paddle and strap, mostly upon

the naked person. This mode was established years ago by the rules of the Penitentiary, and transmitted, by inference, to the present lessees.

Great complaints of abuse of this authority have been made against overseers employed by Messrs. Grant, Alexander & Co. Much evidence has been adduced on this subject, and, if true, certainly should be corrected. But how to correct a complained of evil of this character is a difficulty that no one can fully appreciate until it has been more than ordinarily studied.

The one whipped, burning under the sting of the lash, and provoked to feelings of revenge, is hardly competent to fully judge and describe the punishment. Neither are those situated where they are subjected to the same treatment. Only by a well-balanced judgment and temper can this punishment be properly administered. And so by all the other modes of punishment resorted to for prison discipline. Volumes might, and, perhaps, much more should be written than we have time and space to write on the subject of prison discipline among criminal convicts; it is a grave as well as a great question to avoid extremes.

While inhumanity should be prohibited on the one hand, any discipline in the other direction which would give importance to criminals and dignity to crime should be avoided. Crime must meet its reward, or we have no safety.

In Connecticut, Indiana, Kentucky, Maine, Michigan and Missouri, the lash is used, with other punishment, to enforce good order and discipline. In Massachusetts, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin and New York, the lash is discarded, and other punishment resorted to. In New York three modes of punishment, not elsewhere employed, are practiced, viz: the shower bath, the crucifix, and bucking. Shaving the head, so common in former times, is still occasionally resorted to in the Missouri State Penitentiary, and in the Sing-Sing prison in New York; in the latter, it is said, only in case of riot.

The committee are of the opinion, however, that there

has been cruel punishment inflicted upon some prisoners by men employed as overseers. And in some instances prisoners have been required to do more labor than they could physically endure, by overseers insufficiently experienced to properly estimate a man's physical ability.

The committee are pleased that nearly all these cases of cruelty complained of occurred several months ago, when the present system was new, and the proper management yet to be learned.

At this time there seems to be a great improvement upon the management and treatment of the prisoners. And we hope that, for the future, at least until the expiration of the contract with Grant, Alexander & Co., by a proper discharge of the duties of the Principal Keeper of the Penitentiary, that much of the irregularities heretofore complained of will be obviated.

The Principal Keeper complains of a want of means to obtain proper and correct information of the number of convicts and length of sentences; says that the convicts are carried directly to the railroads upon which they are employed, with the exemplification papers from the counties from which they are sent, and that it occasionally occurs that he does not get these papers for some considerable time afterwards, and may, in some instances, never get them, all of which, we think, can be remedied by the Principal Keeper requiring the lessees to furnish him immediately upon the arrival of a convict, with the exemplification papers, and to require the lessees to make to him a monthly report, giving the names of all convicts then in their employ, and the names of all those that died, or were discharged, or escaped, during the month.

The committee found a discrepancy in the report of the Principal Keeper, and the reports of the lessees, of the number of convicts now on hand. The Principal Keeper's book showed four hundred and ninety-six (496,) while the lessees only report three hundred and eighty (380) convicts, in detail, as follows:

White males.....	59
White females	1
Colored males	304
Colored females.....	16
<hr/>	
Total, June 4, 1870	380

This number is almost daily changing, by new convicts coming in, by discharges, deaths, escapes, etc.

The hours of labor that the convicts are required to perform are stipulated in the contract by the State and the lessees, as follows:

From November to April, ten hours; and from April to November, twelve hours. The lessees construe this to mean the whole number of hours here stated shall be consumed in actual labor by the convicts; the time of going to and from the places of labor is not considered as a portion of the specified time.

The prisoners are required to wash their persons, and put on clean clothes every Sunday morning. But little attention seems to be paid to their personal cleanliness at any other time. The prisoners complain of a want of water facilities in the stockades; say they seldom have an opportunity to wash their hands and faces in the morning.

The committee, having thus given a synopsis of its doing and findings, would most respectfully recommend to the General Assembly the adoption of a resolution directing his Excellency the Governor to instruct the Principal Keeper of the Penitentiary to require of the lessees prompt transmittals to him of all exemplification papers of convicts, as they are received by them; also, to make to him monthly reports, stating the names of all convicts in their charge; the names of all convicts who died, escaped, or were pardoned, or discharged during the past month; also, to instruct the Principal Keeper to visit places occasionally where the convicts are kept, and to inspect the prisoners and verify these monthly reports, and to require the lessees to abate the cause of complaint referred to in this report, as follows:

That all labor on the Sabbath day, by the convicts, ex-

cept such as is absolutely necessary, shall be forbidden and prevented; that all gaming at cards and dice, and other immoral practices, on the Sabbath, shall be prevented; and that no convict shall, in any instance, receive more than twenty-five lashes, and only that number in presence of the lessees, and not more than ten lashes shall be inflicted upon a convict by any overseer, especially authorized to inflict whipping by the lessees, in the absence of the lessees; and that no convict shall be whipped twice for the same offense, nor twice on the same day.

The whipping of females upon their naked person shall be prohibited; and the hours of labor shall be considered from the time the prisoners are ordered out to work in the morning to the time they return to the stockade or quarters, deducting the time allowed them for noon. Also, that the Governor cause the Attorney-General to review the testimony, herewith submitted, in reference to the property there referred to, and if thought necessary, by the Attorney-General, that he shall be required to bring suit for the same. Also, that the Governor be instructed to require the performance of religious service to the convicts every Sabbath day; and that all facilities for this purpose shall be given by the lessees, consistent with the safe keeping and discipline of the prisoners.

And this committee feel that they will not have done their duty to close this report without mentioning the fact that every facility was offered and given them, by the lessees and the Principal Keeper, to aid them in the discharge of their duties, and that we cheerfully extend to Messrs. Grant, Alexander & Co., and Mr. John Darnell, our sincere thanks for the many kindnesses extended to us.

All of which is most respectfully submitted for your honorable consideration.

THOMAS J. SPEER, Chairman;	GEORGE WALLACE,
M. A. CANDLER,	Senate Committee.
VIRGIL HILLYER,	MORGAN RAWLES,
J. M. SIMMS,	J. J. McARTHUR,
H. M. TURNER,	House Committee.

Attest: J. J. NEWTON, Clerk.

On motion of Mr. Bryant the Report on the Penitentiary was made the special order for Wednesday next, 10 o'clock A. M.

Mr. Williams of Morgan moved to suspend the rules for the purpose of taking up, for a second reading, a bill to provide for the sale of certain bonds.

The motion did not prevail.

On motion of Mr. Shumate the rules were suspended, when the following bill was taken up, read a second time, and referred to a special committee of three—consisting of Messrs. O'Neal of Lowndes, Goodwin and Ford—to-wit:

“A bill to alter, amend, and add to the several acts incorporating the town of Cartersville, and to make valid certain acts of the officers of said town.”

The call of the counties for the introduction of new matter being the regular order of the day, the Clerk proceeded therewith, when the following bills and resolutions were introduced and read the first time, to-wit:

By Mr. Smith of Ware—

A bill to regulate proceedings in causes in the Supreme Court.

By Mr. Gray—

A bill to constitute Robert McNew an heir of Green L. Smith, of the county of Walker.

By Mr. Johnson of Towns—

A bill to repeal an act to encourage immigration into the State of Georgia.

A bill to change the name of Charles H. Paris to that of Charles H. Alston, and legitimize the same.

Also, a bill to incorporate the town of Hiwassee, in the county of Towns, and to appoint officers for the same.

By Mr. Harper of Terrell—

A bill for the relief of the Union Branch Railroad Company.

By Mr. Rainey—

A bill to prevent the obstruction of Buck Creek, in the counties of Schley and Macon.

By Mr. Johnson of Spalding—

A bill to provide for the inspection of steam boilers in this State, and for the appointment of inspector-in-chief and deputy inspectors, and for other purposes.

By Mr. Prudden—

A bill to legalize and make valid the sale of certain property belonging to the Eatonton Manufacturing Company.

By Mr. Walthall—

A bill to incorporate Van Wert, in the county of Polk, and to appoint commissioners for the same, and for other purposes therein mentioned.

By Mr. Tweedy—

A resolution on the subject of elections in this State.

By Mr. O'Neal—

The following privileged resolution, which was, on his motion, taken up, read and adopted, to-wit:

Resolved, That the name of James R. Smith, who was elected in April, 1868, under the order of General Meade, and whose political disabilities have been removed, and who has been sworn as the other sitting members, be enrolled as a member of this House and take his seat.

On motion of Mr. Rice the session of this day was extended to 1½ o'clock.

Introduction of bills resumed.

By Mr. Carpenter—

A bill to incorporate the town of Blackshear.

Also, a bill to incorporate the "Commercial Bank & Trust Company" of Savannah.

By Mr. Cunningham—

A bill to preserve the peace and harmony of the people of Georgia.

By Mr. Lee of Newton—

A bill to regulate the sale of liquor in this State.

By Mr. Williams of Morgan—

A bill to create a board of commissioners for each county.

By Mr. Clower—

A bill to amend the 1648th section of "Irwin's Revised Code of Georgia."

By Mr. Darnell—

A bill to loan the credit of the State to the "Marietta & North Georgia Railroad Company."

By Mr. Price—

A bill to enable owners of mines to drain their mines, and carry off the water, etc., through the lands of others.

By Mr. McWhorter—

A bill to amend an act, approved October 3, 1868, to provide for setting apart a homestead of realty and personalty.

By Mr. Hall of Glynn—

A bill to appoint commissioners to ascertain the location of certain lots in Brunswick, and for other purposes.

The following names were announced as additional to the Finance Committee, to-wit:

Messrs. Tweedy and Anderson.

The following standing committees of the House were announced, to-wit:

ON CORPORATION.

Messrs. Hamilton, chairman; Lane, Rawles, Cleghorn, Madson, Tumlin, Linder, Hutchings, Joiner, Jackson, Harris of Glascock, Gullatt, Gardner, Houston and Ford.

ON DEAF AND DUMB ASYLUM.

Messrs. Lane, chairman; Anderson, Ballanger, Tweedy, Carson, O'Neal of Lowndes, Rogers, Scott, Welch, Shumate, Colby, Jackson, Johnson of Towns, Perkins of Cherokee and Maul.

ON NEW COUNTIES AND COUNTY LINES.

Messrs. Cleghorn, chairman; Gray, Pepper, Hamilton, Hook, McArthur, Matthews, Nash, Page, Perkins of Cherokee, Reddish, Allen of Hart, Allen of Jasper, Barnes, Bradford, Harris of Murray and Higdon.

ON THE PENITENTIARY.

Messrs. Parks of Gwinnett, chairman; Hamilton, Harkness, Hall of Glynn, Hook, Hooks, Sisson, Powell, Adkins, Campbell, Clower, Cunningham, Fitzpatrick, Costin, Houston, Porter, Paulk, Rainey, Shackelford, Scroggins, Sorrells, Thomason and Harrison of Hancock.

ON THE LUNATIC ASYLUM.

Messrs. Bell of Banks, chairman; Fowler, Maul, Smith of Charlton, Ellis, Brassel, Ballanger, Saulter, Buchan, Williams of Harralson, Zellars, Cloud, Davis, Evans, Harper of Sumter, O'Neal of Baldwin, Humber, Brewster and Felder.

ON BANKS.

Messrs. McDougald, chairman; Rawles, Tumlin, Erwin, Fryer, Allen of Jasper, Evans, Johnson of Forsyth, Kytile, Cobb, Fincannon, Holcombe, Hamilton, Hughes, Hooks, Harris of Murray, Hall of Glynn, Madden, Madison, Maxwell, Neal and Nash.

ON AGRICULTURE AND INTERNAL IMPROVEMENTS.

Messrs. Price, chairman; Phillips, Turnipseed, Tumlin, Hall of Glynn, Harper of Sumter, Matthews, Bradford, Madison, Warren of Quitman, Strickland, McArthur, Armstrong, Adkins, Beard, Brewster, Felder, Hardin, Hall of Bulloch, Welchel, Walthall, Lindsey, Linder, Harris of Murray, Ford, Fincannon, Tweedy, and Lee of Newton.

ON PUBLIC EDUCATION.

Messrs. Rice of Columbia, chairman; Hillyer, Bryant, Duncan, Humber, Lastinger, Prudden, Harrison of Hancock, Brown, Costin, Price, Joiner, Rawles, Sisson, Shackelford, Smith of Ware, Ellis, Johnson of Towns, Evans, Gardner and Porter.

ON PRIVILEGES AND ELECTIONS.

Messrs. Bethune, chairman; Darnell, Price, Tweedy, Scott, Johnson of Spalding, Nisbet of Gordon, Goodwin,

Harkness, Cobb, Simms, Costin, Porter, Ford, Clark and Carpenter.

ON THE MILITARY.

Messrs. Bryant, chairman ; Lee, Bradford, Turner, Watkins, Walthall, Wilcher, Warren of Burke, Warren of Quitman, Williams of Harris, Williams of Haralson, Williams of Morgan, Smith of Ware, Smith of Muscogee, Saulter, Stone, Sewell, Richardson, Rogers, O'Neal of Baldwin, Nash, McCormick and Moore.

ON PUBLIC BUILDINGS.

Messrs. Tweedy, chairman ; Sisson, Gullatt, Anderson, Haren, Brewster, Parks, Scroggins, Maxwell, Ellis, Strickland, Harden, Barnum, Floyd, Guilford, and O'Neal of Baldwin.

ON MANUFACTURES.

Messrs. Lee of Newton, chairman ; McDougald, McCormick, Madden, Phillips, Powell, Bryant, Lastinger, Prudden, Vinson, Turnipseed, Warren of Quitman, Anderson, Armstrong, Clower, Claiborne, Fincannon, Gullatt, Hughes and Harris of Glascock.

ON PETITIONS.

Messrs. Harper of Terrell, chairman ; Tumlin, Pepper, Strickland, Reid, Seale, Tate, Vinson, Humber, Johnson of Forsyth, Erwin, Guilford and Moore.

ON CONSOLIDATION OF BILLS.

Messrs. Holden, chairman ; Nesbit of Dade, Armstrong, Caldwell, Felder, Ford, Goodwin, Gober, Lindsey and Scroggins.

ON PUBLIC PRINTING.

Messrs. Sisson, chairman ; Price, Pepper, Hall of Glynn, O'Neal of Lowndes, Caldwell, Carson, Haren, Phillips, Belcher, Williams of Morgan, Turner and Hillyer.

ON ASYLUM FOR THE BLIND.

Messrs. Maul, chairman; Harper of Terrell, Osgood, Fitzpatrick, Prudden, Bennett, Rosser, Seale, Rumph, Tate, Tumlin, Sorrells, Ballanger, Franks, Colby, Golden, Costin, Smith of Charlton and Cleghorn.

ON THE JUDICIARY.

Messrs. O'Neal of Lowndes, chairman; Shumate, Bethune, Harper of Terrell, Hall of Heriwether, Anderson, Lane, Lee, Price, Scott, McDougald, Duncan, Phillips, Belcher, Turner, Hillyer, Goodwin, Rawles, Darnell and Costin.

ON THE STATE OF THE REPUBLIC.

Messrs. Shumate, chairman; Nesbitt of Gordon, Nisbet of Dade, Cobb, Powell, Higdon, Lindsey, Rumph, Allen of Hart, Barnes, Buchan, Carpenter, Cloud, Cleghorn, Claiborne, Erwin, Franks, Williams of Harris, Smith of Muscogee, Stone, Wilcher and Richardson.

On motion of Mr. Bryant five hundred copies of the standing committees were ordered to be printed for the use of the House.

Leave of absence was granted Messrs. McDougald, Belcher, Buchan, Rice and Humber, on account of sickness.

The hour for adjournment arrived, and the Speaker declared the House adjourned until Friday, the 22d instant, 10 o'clock A. M.

FRIDAY, July 22, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Mr. Crumley.

The call of the roll was, on motion, dispensed with.

The Journal was read, and, on motion of Mr. Hillyer, that portion thereof embracing the personal explanation of Mr. Fitzpatrick was ordered to be stricken therefrom.

On motion of Mr. Hall of Meriwether the rules were suspended, and the report of the Finance Committee on the following resolution taken up, to-wit :

A resolution authorizing and requiring the Treasurer to pay all lawful demands against the State out of any funds now under his control.

The Finance Committee reported the following resolution as a substitute, recommending that it pass, to-wit :

WHEREAS, The Treasurer has a large amount of money, claimed by him as belonging to the Educational Fund, deposited in various banks, drawing three per cent. per annum ;

AND WHEREAS, There are now no funds in the Treasury to defray the current expenses of the State ;

AND WHEREAS, It will be necessary for the State to borrow money, which is likely to cost from seven to ten per cent. per annum :

1. *Be it resolved by the Senate and House of Representatives of the General Assembly of Georgia*, That the Treasurer be authorized and required to use so much of the funds so deposited as may be necessary to pay off all warrants now outstanding on the Treasury, and all that may hereafter be drawn thereon, and other expenses of the State Government.

2. That the Governor is hereby required to cause the Comptroller-General, at as early a day as practicable, to ascertain the amount of the Educational Fund that has been paid into the Treasury, as collected under the Constitution, which amount so to be ascertained is hereby set apart as an Educational Fund.

3. That his Excellency the Governor, having caused said fund to be so set apart, shall draw a special warrant on the Treasury for all sums so used, heretofore or hereafter, with six per cent. interest thereon for such term as the same

has been used, and the proceeds to be held and retained as provided in section 86, paragraph 7, of the Code.

4. That, in the event the General Assembly shall inaugurate a system of education as provided by the Constitution, and the funds, so borrowed or used, should be needed to the successful operation of the same, that then, in that event, the Governor be, and he is hereby, authorized, if necessary, to effect a loan to the State by bonds or otherwise, as he may deem best to discharge the same.

Mr. Hall of Meriwether moved the adoption of the foregoing resolution.

Mr. Bryant offered to amend, as follows:

Insert after the word "thereon," in the first paragraph, the words: "to pay the expenses of this General Assembly and all other indebtedness of the State."

Pending action on the resolution and amendment, the hour of 11 A. M. arrived, for which hour the resolution of respect for the memory of the Hon. Robert W Flournoy, deceased, had been made the special order.

By request of his colleague, Mr. Brown of Washington, the same was deferred until 11 o'clock A. M. to-morrow, and made the special order for that day and hour.

The unfinished business was resumed.

Mr. Lane of Brooks moved to recommit the resolution to the Finance Committee.

Mr. O'Neal of Lowndes moved that it be laid on the table.

The last motion, taking precedence under the rules, was first submitted.

Upon this Mr. O'Neal of Lowndes required the yeas and nays to be recorded.

Those voting in the affirmative are Messrs.—

Anderson,	Bradford,	Claiborne,
Allen of Jasper,	Clark,	Cobb,
Brewster,	Caldwell,	Darnell,
Brown,	Cloud,	Davis,
Ballanger,	Cleghorn,	Franks,

Felder.	Joiner,	Perkins of Cherokee.
Fowler,	Johnson of Towns,	Reid.
Ford,	Johnson of Forsyth,	Rogers,
Goodwin.	Lane,	Rumph,
Gray,	Lastinger,	Strickland, .
Gullatt,	Matthews,	Stone.
Hillyer.	Moore,	Saulter,
Higdon,	McArthur,	Sisson,
Holcombe.	McDougald.	Shumate.
Holden.	McCormick,	Seale,
Haren,	Nash,	Shackleford,
Hamilton.	O'Neal of Lowndes.	Sorrells,
Harkness.	O'Neal of Baldwin.	Smith of Coffee,
Hutchings,	Parks,	Smith of Muscogee,
Hook,	Price,	Tate,
Harris of Murray.	Paulk,	Vinson,
Harper of Terrell,	Phillips.	Welchel,
Harrison of Hancock,	Pepper.	Warren of Quitman,
Hall of Bulloch,	Porter,	Williams of Harris,
Hall of Glynn,	Prudden.	Williams of Haralson.

Those voting in the negative are Messrs.—

Armstrong,	Golden,	Osgood,
Allen of Hart,	Gardner,	Perkins of Dawson,
Bell,	Guilford,	Rainey,
Bethune,	Houston,	Rawles,
Beard,	Harden,	Richardson,
Bennett,	Hughes,	Simms,
Barnes,	Hooks,	Smith of Charlton,
Bryant,	Harper of Sumter,	Tweedy,
Campbell.	Harrison of Franklin,	Thomason,
Clower,	Hall of Meriwether,	Turner,
Costin,	Johnson of Spalding,	Tumlin,
Cunningham,	Linder,	Turnipseed,
Fitzpatrick.	Lindsey.	Watkins,
Floyd,	Maxwell,	Walthall,
Fincannon,	Maul,	Warren of Burke.
Gober,	Neal,	Zellers.

Yeas 77.

Nays 48.

So the motion to lay on the table prevailed.

Mr. Hall of Meriwether, chairman of the Finance Committee, made the following report, which was taken up and read :

Mr. Speaker :

The Committee on Finance have had under consideration the resolution that was re-committed to them, requir-

ing the Comptroller-General to ascertain, as soon as practicable, the definite amount due the Educational Fund, and report the same to the Governor, and requiring the Treasurer to deposit the same by direction of the Governor, according to law, which they recommend do pass.

W. H. F. HALL,
Chairman Finance Committee.

On motion of Mr. Lane of Brooks the rules were suspended, and a bill "For the sale of certain bonds of the State" was taken up, read a second time, and, on motion of Mr. Shumate, referred to the Committee on Finance.

The call of the counties for the introduction of new matter being the regular order of the day, the Clerk proceeded therewith, and the following bills and resolutions were introduced and read the first time, to-wit:

By Mr. Sisson—

A bill to empower the Mayor and Council of the city of Atlanta to establish and maintain a system of public schools within said city, and for other purposes.

By Mr. Johnson of Forsyth—

A bill to repeal the 796th section of the Revised Code of Georgia.

By Mr. Harrison of Franklin—

A bill to authorize the Comptroller-General of this State to procure an official seal, and to establish the same.

Also, a bill to repeal the eighth paragraph of the second section of the Tax Act of 1869, and for other purposes.

By Mr. Rawles—

A bill to incorporate the Georgia Steam Plow & Transportation Company of Georgia.

Also, a bill to allow Amos Rahn, of Effingham county, to practice medicine and collect for the same.

By Mr. Fryer—

A bill to amend section 650 of Irwin's Code.

By Mr. Higdon—

A bill to lay out and organize a new county from the county of Decatur, and for other purposes.

By Mr. Fowler—

A bill to change the line between the counties of Catoosa and Walker.

By Mr. Cloud—

A bill to prevent hunting on enclosed lands without consent of the owner.

By Mr. Osgood—

A bill to amend section 4736 of Irwin's Code of Georgia.

Also, a bill to amend an act entitled "an act to incorporate the Vernon Shell Road Company," and for other purposes therein mentioned.

Also, a bill to incorporate the Savings Bank of Savannah.

Also, a bill for the better protecting of innocent witnesses in cases of felonies and misdemeanors.

By Mr. Porter—

A bill to carry into affect the 6th article of the Constitution of this State, and provide a thorough system of education, to be free to all the children of this State.

Also, a bill to alter and amend sections 4725, 4726, 4732, 4733, 4734, 4735, 4736, 4738, 4739, 4741, 4749 and 4751 of Irwin's Revised Code, in relation to the city of Savannah.

Also, a bill to carry into effect the second clause of thirteenth section of the fifth article of the Constitution, define the eligibility of jurors, and prescribe the mode and manner of drawing juries.

Also, a bill to enforce the provisions of the Civil Rights bill of the Congress of the United States, in Georgia.

Also, a joint resolution to confer on churches and other religious organizations the power to own, possess, and occupy property in their own right and title, and for other purposes.

By Mr. Simms—

A bill to incorporate the "Chatham Mercantile, Loan and Trust Company."

Also, a bill to create a board of supervisors for the county of Chatham.

By Mr. Gober—

A bill to remit the tax of Cobb county for the year 1870.

Also, a bill to incorporate the town of Acworth, and for other purposes.

By Mr. Cleghorn—

A bill to confer the privilege of majority upon Churchell P. Goree, of the county of Walker.

Also, a bill to incorporate the Rome & Summerville Railroad Company.

Also, a bill to incorporate the Chattooga Coal and Iron Railroad Company.

By Mr. Shumate—

A bill to prescribe the duties of clerks and other officers.

Also, a bill defining the liabilities of the employees, and prescribing the rights of the Superintendent, of the Western & Atlantic Railroad.

Also, a bill to establish the act of replevin in the State of Georgia.

By Mr. O'Neal of Lowndes—

A bill to secure the "School Fund" of the State by giving special direction thereto.

By Mr. Porter—

Resolutions of respect to the memory of the Hon. P. H. Chambers and Hon. Benjamin Ayer.

The same were, on motion of Mr. Bryant, made the special order for Monday next, 11 o'clock A. M.

By Mr. Welch—

A resolution providing for the purchase of a work on the Geology and Mineralogy of North Georgia, by Dr. M. F. Stephenson.

By Mr. Shumate—

A bill to incorporate the American Industrial Agency.

Also, a bill to incorporate the Contractors' Association.

By Mr. Tumlin—

A bill to incorporate the Chattahoochee Railroad Company, and for other purposes therein mentioned.

Also, a bill to incorporate the village of Spring Vale, in the county of Randolph, and for other purposes therein mentioned.

Leave of absence was granted Mr. Colby, on account of

sickness in his family; to Mr. Clark on account of ministerial duties; to Mr. Walthall for a few days on special business; and the leave of absence of Mr. Scott extended for five days on account of sickness in his family.

The House, on motion, adjourned until 10 o'clock A. M. to-morrow.

SATURDAY, July 23, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Mr. Crumley.

On motion the call of the roll was dispensed with.

The Journal was read and approved.

Mr. Williams of Morgan moved a suspension of the rules for the purpose of introducing a resolution providing for an afternoon session of the House, from 3 to 5 o'clock P. M., for the purpose of reading bills the first and second times.

Upon this motion Mr. Brewster required the yeas and nays to be recorded.

Those voting in the affirmative are Messrs.—

Armstrong,	Ford.	Matthews,
Anderson,	Fryer,	Maxwell,
Allen of Hart,	Fincannon,	McArthur,
Brewster,	Gober,	McDougal-l,
Brown,	Gray,	Price,
Ballanger,	Gullatt,	Paulk,
Bradford,	Hillyer,	Phillips,
Caldwell,	Higdon,	Pepper,
Clower,	Hamilton,	Prudden,
Cloud,	Harkness,	Perkins of Cherokee,
Cleghorn,	Hughes,	Reddish,
Cobb,	Hook,	Rainey,
Davis,	Harris of Murray,	Rosser,
Erwin,	Harper of Sumter,	Rumph,
Evans,	Harper of Terrell,	Sisson,
Felder,	Hall of Bulloch,	Shumate,
Floyd,	Lane,	Seale,
Fowler,	Lastinger,	Sorrells,

Smith of Coffee,	Thomason,	Welchel,
Smith of Muscogee,	Tate,	Williams of Haralson,
Smith of Ware,	Turnipseed,	Williams of Morgan.

Those voting in the negative are Messrs.—

Allen of Jasper,	Joiner,	Parks,
Beard,	Jackson,	Porter,
Barnes,	Johnson of Towns,	Perkins of Dawson,
Clower,	Johnson of Spalding,	Reid,
Costin,	Linder,	Rawles,
Cunningham,	Lindsey,	Richardson,
Darnell,	Madden,	Simms,
Goodwin,	Madison,	Stone,
Golden,	Maul,	Saulter,
Gardner,	Moore,	Smith of Charlton,
Guilford,	Osgood,	Tweedy,
Houston,	O'Neal of Lowndes,	Watkins,
Harden,	O'Neal of Baldwin,	Warren of Burke,
Harrison of Franklin,	Page,	Williams of Harris.
Hall of Meriwether,		

Yeas 63.

Nays 43.

So the motion, not having received an affirmative vote of three-fourths of the members present, did not prevail.

On motion of Mr. O'Neal of Lowndes the rules were suspended, and the bill to secure the School Fund of this State, by giving special direction thereto, was taken up, read the second time, and ordered to be engrossed.

On motion of Mr. Price two hundred copies of the same were ordered to be printed for the use of the House.

The unfinished business of yesterday was resumed, to-wit :

The call of the counties for the introduction of new matter.

The following bills and resolutions were introduced and read the first time :

By Mr. Turnipseed—

A bill to make it penal to mortgage personal property and afterwards dispose of the same without the consent of the mortgagee.

Also, a bill to incorporate the "Macon Banking Company."

By Mr. Davis—

A bill to repeal an act entitled "an act to provide for the farming out the Penitentiary, and for other purposes.

By Mr. Hillyer—

A bill to incorporate the St. Mary's & Western Railroad Company.

By Mr. Lastinger—

A bill to change the line between the counties of Clinch and Coffee.

A bill for the relief of Ada Taylor, of the county of Coffee.

Also, a bill to alter and amend an act to incorporate the town of Homerville, in the county of Clinch.

By Mr. Parks—

A bill to change paragraph 675 of Irwin's Revised Code.

By Mr. O'Neal of Lowndes—

A bill to change the line between the counties of Lowndes and Berrien.

By Mr. Bell—

A bill to alter and amend section 874 of the Revised Code.

By Mr. Claiborne—

A bill to be entitled an act to provide the mode and manner of compelling putative fathers to maintain their bastard children and punish them for failing, or refusing so to do.

A bill to carry into effect section 23, article 1, of the Constitution of Georgia, and prohibit the sale of lottery tickets therein, and provide the mode and manner of punishing offenders, and for other purposes.

Also, a bill to repeal so much of section 4245 of Irwin's Code as relates to criminals being sentenced to work in the chain gang on the public works.

On motion of Mr. Harper of Terrell the rules were suspended, and the bill "to amend the road laws of this State, so far as they relate to the county of Terrell," was taken up, read the second time and ordered to be engrossed.

Leave of absence was granted Messrs. Harrison of Han-

cock and Vinson of Crawford, for a few days, on important business; and the leave of absence previously granted Mr. Barnum extended on account of sickness in his family.

The following message was received from his Excellency the Provisional Governor, through Mr. Atkinson, his Secretary, to wit:

Mr. Speaker:

I am directed by his Excellency the Provisional Governor to deliver to the House of Representatives a communication in writing with accompanying documents.

The same was, on motion of Mr. Darnell, taken up, read and referred to a joint special committee. It is as follows, to-wit:

ATLANTA, GA., July 23, 1870.

To the General Assembly:

I transmit herewith copies of a communication received from his Honor the Mayor, through a committee of the City Council:

The city of Atlanta, by this formal action of the Council, as well as by the resolutions of their predecessors in office, renewed by the present Council, disclose an entire willingness to meet all the obligations incurred by their proposal made to the Constitutional Convention to furnish buildings, rooms, etc., necessary for State purposes in this city as the Capital.

The city is willing to make amicable adjustment of any matters of misunderstanding arising out of the absence of specifications as to the exact kind and character of accommodations that would be required for State purposes, and I would, therefore, respectfully recommend to your honorable body that a joint committee be appointed to take into consideration the proposition of the City Council, and confer with the city authorities and Mr. Kimball, and ascertain the conditions upon which the proposition of the city can be carried out, and report to your honorable body such conclusions as may be acceptable to the State and city.

The accommodations which would be afforded by the present building are ample for State purposes, and I would, therefore, respectfully suggest that it would be unwise to incur expense for the construction of a new capitol building at this time; but that the five acres of ground to be donated by the city should be selected, and arrangements perfected for beautifying the grounds selected, by cultivation of shade trees, shrubbery, etc., so that whenever a new capitol building is considered necessary by the people of the State, the ground would be in readiness. I deem it desirable for the interest of the State that the propositions of the city authorities should be accepted and carried out.

Should your honorable body concur in this opinion, after an examination of the matter, and unite with the city in exchanging bonds for the present property, an amount in currency could be realized by its sale at the expiration of ten years, or whenever a new capitol should be completed, largely in excess of the amount in bonds to be given in exchange for it now, and the rental of that portion not needed by the State would nearly, if not quite, liquidate the semi-annual interest on the State bonds given in exchange for the property.

Therefore, inasmuch as the proposition from the city is dependent upon the State uniting in a purchase of the property in order to thus definitely and permanently close agitation upon the subject of removal of the Capitol back to Milledgeville, I most respectfully urge that such terms for purchase as may be acceptable to your honorable body be agreed to.

RUFUS B. BULLOCK.

The hour of 11 o'clock A. M. having arrived, the same having been set apart by resolution for the delivery of eulogies on the character and life of the Hon. Robert W. Flounoy, deceased, Mr. Price of Lumpkin offered the following preamble and resolutions, prefacing their introduction with appropriate remarks :

WHEREAS, In the dispensation of Providence this General Assembly has been called on to note the demise of another of its members, Hon. Robert W Flournoy, a member of this House from the county of Washington, has been called suddenly from our counsels; the State has thus been deprived of the services of one who, from his zeal and ability, as evinced during his connection with us, bid fair to become, in a short time, one of the State's most noble defenders. As members who served with him, we shall never forget his watchful vigilance, the energy with which he always pressed for the right. He was brave in the discharge of every public duty, and particularly sensitive upon every question which seemed to affect the honor or the interests of his native State. No one ever questioned Flournoy's motives or his integrity. Whilst impetuous—sometimes almost to rashness—it was always when acting on his convictions of right and justice. United with his firmness was a forgiving heart, full of tenderness and confidence.

Much more than this might be said of our friend and fellow-member. In his death, we feel a sad loss as individuals; but, more than this, we feel that when his fragile form went down in death, our State lost the services of one who would have largely contributed towards restoring her to her former peace, prosperity and greatness. Yet, these losses, what are they compared with those which a fond mother, a loving wife, and tender little ones have suffered? We would not invade the sanctity of their grief, but pray that the blessings of Heaven may rest upon them in their bereavement and loneliness:

Be it resolved, That, in the death of the Hon. Robert W Flournoy, we recognize a loss to the State of a worthy citizen, a watchful, vigilant, and distinguished representative; the bar of the State has lost a useful and promising member, whilst his family have been deprived of a loving and affectionate protector.

Resolved, That we tender to his afflicted family, in their time of sorrow, the sympathies of this General Assembly.

Resolved, That our Clerk transmit to the widow of the

late Robert W Flournoy a copy of the foregoing preamble and resolutions, and that the same be spread upon the Journal of the House.

Resolved, That, as a tribute of respect to the Hon. Robert W. Flournoy, this House do now adjourn.

After the delivery of appropriate eulogies by a number of members, the foregoing resolutions were unanimously adopted.

The Speaker declared the House adjourned until Monday, 10 o'clock A. M.

MONDAY, July 25, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Mr. Crumley.

On motion of Mr. Darnell the call of the roll was suspended.

The Journal was read and approved.

Mr. Madden offered the following resolution, which was on motion, taken up, read and agreed to, to-wit:

Resolved, That Moses H. Bentley, Messenger of this House, having this day committed a homicide upon the person of Hon. M. Claiborne, member of the House, be, and he is hereby, expelled and turned over to the civil authorities of this State, that justice may be done in the premises.

On motion of Mr. Porter, the special order of the day was deferred until 12 o'clock M. this day.

The following message was received from his Excellency the Provisional Governor, through Mr. Atkinson, his Secretary, to-wit:

Mr. Speaker:

I am directed by his Excellency the Provisional Gov-

error to deliver to the House of Representatives a communication in writing.

On motion of Mr. Hall of Meriwether the same was taken up and read, being as follows, to-wit :

ATLANTA, July 25, 1870.

To the General Assembly :

The joint resolutions of your honorable body, directing the Treasurer to pay each member and officer of the General Assembly two hundred dollars on account of per diem, were approved on the 16th instant, and a certified copy of the resolution was handed to the Treasurer on Monday morning, the 18th instant.

I am now informed that the Treasurer refuses to recognize the order of the General Assembly, as announced in this joint resolution, alleging, as a reason for his contumacy, that he has no moneys on hand except the School Fund.

This is a shallow pretext, by which, as heretofore, the Treasurer expects, with loud protestations of his fealty to the Treasury, to excite the commendation of good citizens, and thus hide the benefit he himself receives from his unlawful acts.

To show the false foundation upon which this last pretext rests, it is only necessary to refer to the fact that the amount of the Educational Fund has never yet been computed and reported by the Comptroller-General, and without such computation it is not possible for the Treasurer to be informed of the total amount due on account of receipts from the several sources set apart by the Constitution for educational revenue ; and, also, to the other fact that it was not until the Treasurer had been overruled by your honorable body and directed to pay all warrants drawn by the Executive, and countersigned by the Comptroller-General, that the Treasurer invented the subterfuge of crying " School Fund " to cover his refusal to obey the order of the Legislature. It was not until after the Treasurer had refused to pay warrants, and the investiga-

ting committee had assembled, that he reported to the Comptroller-General about \$3,600 as interest to the credit of the Educational Fund.

It is simply absurd for the Treasurer to assume to arbitrarily set aside a portion of the public money and hire it out for a nominal rate of interest, and then refuse payment to the lawful creditors of the State, with the silly plea that there is no money in the Treasury. But the absurdity demands attention when the Treasurer refuses to yield to the formal instruction of a joint resolution of your honorable body, and insists upon the Legislature yielding their prerogative to his demands.

The great solicitude displayed by the Treasurer, and some of the parties to whom he has loaned the State's money, to prevent its return to the Treasury, is well known to many members of your honorable body, and becomes an additional reason why the Treasurer should be compelled to comply with the law and the order of the General Assembly.

As is estimated by the investigating committee's report, one hundred and seventy-five thousand dollars of the State's money has been loaned out by the Treasurer in violation of law; and, I now learn, from reliable authority, that at least one of the parties, (the Atlanta National Bank,) to whom the loan was made, has used the money for speculation in United States bonds. Having purchased bonds at \$1 13 $\frac{1}{8}$, which can now only be sold for \$1 08, it is very important to the bank that the State's money should not be called for at present; for, to close the speculation now, it is said, would lose the parties \$10,000. And hence the great anxiety of the Treasurer and his colleague that no action should be taken by the General Assembly to compel the return of the money—an anxiety which, it seems, is sufficient to induce the Treasurer to disregard the plain instructions of your honorable body

Owing to the fact that no action had been taken by the Legislature to perfect a school law prior to the present session, the amount received from sources set apart for

educational purposes has not been formally ascertained and reported by the Comptroller-General; but believing that it is now your purpose to establish a free school system, I would respectfully recommend that your honorable body direct that the Comptroller-General proceed to ascertain, as rapidly as possible, the amount which has been received from the several sources set apart for school revenue, and that, from his report, from time to time, as fast as ascertained, a sufficient number of the bonds of our own State, bearing seven per cent. interest, be deposited with the Treasurer, to cover, at the market value of the bonds, the amounts so reported by the Comptroller-General; and that the bonds be held by the Treasurer, drawing interest for the benefit of the School Fund, until funds are needed, and appropriated for support of the schools, when the amounts required can be promptly realized from the bonds.

I would also respectfully recommend that an immediate stop be put to speculations with State funds—a proceeding sufficiently reprehensible in itself, but peculiarly objectionable when the parties seek to hide the transaction behind the specious plea of protecting the School Fund and keeping sacred the money to educate our children, a pretense which “borrows the livery of Heaven to serve the Devil in!”

The money of the State which is thus being trifled with is now needed to meet the just dues to the public institutions, the Judges, Solicitors, and advances due the members of your honorable body; and when money is due, or needed for educational purposes, it will be promptly provided.

I hope, therefore, your honorable body will direct, by joint resolution, that the money heretofore loaned out be immediately returned to the Treasury, with interest to date, and that in future the Treasurer perform the duties required of him by law, or vacate his office.

RUFUS B. BULLOCK.

Leave of absence was granted Messrs. Bennett and

Prudden on account of sickness in their families, and to Mr. Harrison of Glascock on special business.

Mr. Turner offered the following resolution, which was taken up, read, and agreed to, to-wit :

Resolved, That the use of this House, this evening, be tendered to John Silla Martin, of Washington City, who is now in this city for the purpose of delivering a lecture.

On motion of Mr. O'Neal of Lowndes the rules were suspended, and the following bill was taken up for the third reading, to-wit :

"A bill to secure the School Fund of the State by giving special direction thereto."

Mr. O'Neal of Lowndes offered, as a substitute therefor, a resolution "to set apart and secure the School Fund."

The substitute was received.

Mr. Shumate moved that the same, as amended, be re-committed to the Finance Committee, with instructions to prepare a bill recalling the School Fund from the Atlanta National Bank, and depositing it with the Georgia Railroad and Banking Company.

Pending this motion, Mr. O'Neal of Lowndes, by consent of the House, withdrew the substitute for the purpose of changing its character from a resolution to a bill. He then offered the same as "a bill to set apart and secure the School Fund."

The substitute was adopted.

The bill was read the third time.

On the question of its passage, as amended, Mr. Lane called the previous question, which was sustained.

The main question was put and the bill passed.

Mr. Carson, chairman of the Committee on Enrollment, made the following report :

Mr. Speaker :

The Committee on Enrollment report that they have examined J. T. Taylor, H. C. Johnson, William Poole, L. H.

Roberts, B. H. Miller and P. Walpole, presented by the Clerk of the House to the end that they may be appointed subordinate clerks of the House, and hereby certify that they are competent and qualified for the discharge of the duties that may be required of them.

W. C. CARSON,
Chairman Committee on Enrollment.

On motion of Mr. Price it was resolved by the House that on to-morrow an afternoon session shall be held continuing from 4 P. M. to 6 P. M. for the purpose of reading bills the first and second times.

The following members were announced by the Speaker as constituting the joint special committee on the part of the House, to whom were referred the communication of his Excellency the Provisional Governor, and accompanying documents, on the subject of the contract of the city of Atlanta to furnish accommodations for the State Government, to-wit:

Messrs. Tweedy, chairman; Parks, Gullatt, Bell, Hill-
yer, Zellars and Colby.

Mr. Saulter offered the following resolution, which was taken up and read, to-wit:

WHEREAS, Elections were held in the counties of Telfair and Irwin, under proclamation of his Excellency Governor Bullock, issued under authority of a joint resolution, adopted August ———, 1868; therefore be it

Resolved, That the Representatives elect from the counties of Irwin and Telfair be admitted to seats as members of this House, upon complying with the provisions of the Act of Congress, passed December 22, 1869.

Mr. Tweedy moved to lay the resolution on the table for the present.

On this motion Mr. Bryant required the yeas and nays to be recorded.

Those voting in the affirmative are Messrs.—

Atkins,	Gardner,	Maul,
Allen of Jasper,	Gray,	Moore,
Allen of Hart,	Hillyer,	Nesbitt of Gordon,
Bethune,	Holcombe,	O'Neal of Lowndes,
Beard,	Houston,	O'Neal of Baldwin,
Barnes,	Harden,	Porter,
Carson,	Haren,	Reid,
Campbell,	Hughes,	Rice,
Clower,	Hutchings,	Rogers,
Costin,	Joiner,	Richardson,
Cunningham,	Jackson,	Simms,
Darnell,	Johnson of Towns,	Stone,
Davis,	Johnson of Spalding,	Smith of Muscogee.
Ellis,	Johnson of Forsyth,	Tweedy,
Fitzpatrick,	Lee,	Thomason,
Floyd,	Linder,	Turner,
Goodwin,	Madden,	Warren of Burke,
Golden,	Madison,	Williams of Harris.

Those voting in the negative are Messrs.—

Armstrong,	Hamilton,	Perkins of Cherokee,
Anderson,	Harkness,	Reddish,
Bennett,	Hook,	Rainey,
Brewster,	Harris of Murray,	Rosser,
Brown,	Harper of Sumter,	Rawles,
Ballanger,	Harrison of Franklin,	Rumph,
Bryant,	Hall of Meriwether,	Strickland,
Bradford,	Hall of Bulloch,	Saulter,
Clark,	Hall of Glynn,	Sisson,
Caldwell,	Lastinger,	Shumate.
Cleghorn,	Lindsey,	Seale,
Cobb,	Matthews,	Shackleford,
Erwin,	McArthur,	Sorrells,
Evans,	McDougald,	Smith of Coffee,
Felder,	Nash,	Smith of Ware,
Fowler,	Osgood,	Tumlin,
Ford,	Page,	Tate,
Fryer,	Parks,	Turnipseed,
Fincannon,	Price,	Welchel,
Gober,	Paulk,	Warren of Quitman,
Gray,	Phillips,	Williams of Haralson.
Gullatt,	Pepper.	Williams of Morgan.
Higdon,		

Yeas 54.

Nays 67

So the motion did

Pending further action on this resolution the hour of 12 m. arrived, and the special order therefor was taken up, to-wit:

“Resolutions of respect to the memories of the Hon. P. H. Chambers and Hon. Benjamin Ayer.”

WHEREAS, By the mysterious dispensation of Divine Providence the Hon. Peter H. Chambers, Representative from Meriwether county, and the Hon. Benjamin Ayer, Representative from Jefferson county, have been removed from our midst; therefore be it

Resolved, That this House has heard, with deep regret, of the deaths of the Hon. Peter H. Chambers of Meriwether county, and the Hon. Benjamin Ayer of Jefferson county.

Resolved, That, as a testimony of our high esteem for their moral worth and unblemished characters, the officers and members of this House will wear the usual badge of mourning for thirty days.

Resolved, That, a copy of these resolutions be transmitted to the families of the deceased by the Clerk.

Resolved, That, as a further mark of respect to their memories, this House do now adjourn.

After some time spent in the delivery of appropriate eulogies by a number of members, the foregoing resolutions were unanimously adopted, and the Speaker declared the House adjourned until 10 o'clock A. M. to-morrow.

TUESDAY, July 26, 1870,

10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Dr. Crawford of Kentucky.

The call of the roll was dispensed with.

The Journal was read and approved.

Mr. Hall of Glynn moved to reconsider so much thereof as relates to the adoption of a resolution expelling Moses H. Bentley, Messenger of the House.

The motion to reconsider did not prevail.

Mr. Turner offered the following resolution, which was taken up, read and unanimously adopted, to-wit:

WHEREAS, The Hon. Malcom Claiborne, a member of this House, has suddenly departed this life; therefore

Resolved, That a joint committee of three from the House and two from the Senate be appointed to make suitable arrangements for the funeral of said deceased; and that this House, asking the concurrence of the Senate, do now adjourn until to-morrow, 10 o'clock A. M.

The Clerk was instructed to transmit the same to the Senate without delay.

Leave of absence was granted Mr. Bell on account of sickness in his family.

The Speaker declared the House adjourned until to-morrow, 10 o'clock A. M.

WEDNESDAY, July 27, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Dr. Brantly.

The call of the roll was, on motion, dispensed with.

The Journal was read and approved.

Mr. Fitzpatrick moved a suspension of the rules for the purpose of presenting certain petitions for reference to the Committee on Privileges and Elections.

The motion did not prevail.

Mr. O'Neal of Lowndes, chairman of the special committee, to whom was referred a bill to amend the charter of the town of Cartersville, made the following report, to-wit:

I am instructed by the special committee, to whom the bill to amend, and alter, and add to the several acts incorporating the town of Cartersville, and to make valid certain acts of the officers of said town, was referred, recommend that said bill do pass, with the following additional sections and amendments, viz:

SEC. 6. The corporate limits of said town shall be a circle of one mile in every direction from the depot of the Western & Atlantic Railroad, making the diameter of such circle two miles.

SEC. 8. And that hereafter all levies and sales shall be made and had by the Town Marshal, or his deputy, under the regulations prescribed in the Code for Sheriffs' and Constables' sales, and defendants shall have the right of redemption provided in the Code.

That the fifth section of the pending bill be so amended as to read: "One-half of one per cent.;" and that sections seven, eight, and nine of the act of 1869 be stricken out, by inserting, in the first section of the pending act, the words "seventh, eighth, and ninth," between the words "fourth" and "section."

JOHN W. O'NEAL, Chairman.

On motion of Mr. O'Neal the rules were suspended for the purpose of taking up, for the third reading, the following bills, to-wit:

A bill to alter, amend, and add to the several acts incorporating the town of Cartersville, and make valid certain acts of the officers of said town.

Also, a bill to alter and amend the road laws of this State, so far as they relate to the county of Terrell.

The foregoing report of the special committee on the first-mentioned bill was agreed to.

The bill, as amended, was read the third time, and passed as amended.

The House took up the report of the committee on the

bill to alter and amend the road laws of this State, so far as they relate to the county of Terrell.

The report was agreed to.

The bill was read the third time and passed.

The Clerk was, on motion, directed to transmit the foregoing bills to the Senate without delay.

The following message was received from the Senate, through Mr. Mills, their Secretary:

Mr. Speaker:

The Senate have concurred in the House resolution appointing a committee to take into consideration the proposition of the City Council of Atlanta, etc.

And have appointed, as the committee on their part, Messrs. Harris, McArthur, McWhorter and Campbell.

The Senate have also concurred in the House resolution expressive of regret for the death, and respect for the memory, of the Hon. Robert W. Flournoy.

The special order of this day, to-wit:

The report of the special committee on the Penitentiary was deferred to 12 o'clock M. to-day.

The unfinished business of Monday was resumed, to-wit:

The resolution reported on the Journal of that day to seat Representatives elect from the counties of Irwin and Telfair—the motion for its adoption being the pending proposition.

Mr. O'Neal of Lowndes submitted the following points of order:

1. That the proposition embraced in the resolution had been, during the present session, offered in the form of a resolution, which was ruled out of order by the Speaker, on the ground that it was in conflict with the provisions of the reconstruction acts.

2. That if the subsequent action of the House, in laying said resolution on the table, as shown by the Journal of the House, should be construed as superseding the ruling

of the Speaker, he renewed the point of order upon which the decision of the Chair was predicated.

The Speaker adhered to his former ruling, that the resolution, being in conflict with the reconstruction acts, could not be sustained by the House.

Mr. Bryant appealed from the decision of the Chair.

Mr. Tumlin called for the previous question, which was sustained.

The main question was put, viz :

Shall the decision of the Chair stand as the judgment of the House?

Upon this Mr. Bryant required the yeas and nays to be recorded.

Those voting in the affirmative are Messrs.—

Atkins,	Gardner,	Maull,
Allen of Jasper,	Guilford,	Moore,
Allen of Hart,	Hillyer,	Nesbit of Gordon,
Bell,	Holcombe,	O'Neal of Lowndes,
Bethune,	Houston,	O'Neal of Baldwin,
Belcher,	Harden,	Porter,
Beard,	Haren,	Perkins of Dawson,
Barnes,	Hughes,	Reid,
Bradford,	Hutchings,	Rice,
Carson,	Hooks,	Rogers,
Campbell,	Harrison of Hancock,	Richardson,
Clower,	Joiner,	Strickland,
Costin,	Jackson,	Simms,
Colby,	Johnson of Towns,	Stone,
Cunningham,	Johnson of Spalding,	Smith of Charlton,
Darnell,	Johnson of Forsyth,	Smith of Muscogee,
Davis,	Lee,	Tweedy,
Ellis,	Linder,	Thomason,
Fitzpatrick,	Lindsey,	Turner,
Floyd,	Madden,	Warren of Burke,
Goodwin,	Madison,	Williams of Harris,
Golden,	Maxwell,	Williams of Haralson.

Those voting in the negative are Messrs.—

Armstrong,	Ballanger,	Cloud,
Anderson,	Bryant,	Cleghorn,
Bennett,	Buchan,	Cobb,
Brewster,	Clark,	Duncan,
Brown,	Caldwell,	Erwin,

Felder,	Hall of Bulloch,	Saulter,
Fowler,	Hall of Glynn,	Sisson,
Ford,	Lastinger,	Shumate,
Fincannon,	Matthews,	Seale,
Gober,	McArthur,	Schakleford,
Gray,	McDougald,	Sorrells,
Gullatt,	Nash,	Smith of Coffee,
Higdon,	Fryer,	Smith of Ware,
Holden,	Price,	Tumlin,
Hamilton,	Paulk,	Tate,
Harkness,	Phillips,	Turnipseed,
Hook,	Pepper,	Vinson,
Humber,	Perkins of Cherokee,	Walthall,
Harris of Murray,	Reddish,	Welchel,
Harper of Sumter,	Rainey,	Warren of Quitman,
Harper of Terrell,	Rosser,	Williams of Morgan.
Harrison of Franklin,	Rawles,	

Yeas 66.

Nays 65.

Mr. Hall of Meriwether paired off with Mr. Scott.

So the decision of the Chair was sustained.

Mr. Tumlin offered the following resolution, which was taken up, read and adopted, to-wit:

Resolved, That a seat on this floor be tendered Dr. A. L. Hamilton, President of "Andrew Female College;" and that the use of this hall be tendered this gentleman on tomorrow evening, the 28th instant, for the purpose of delivering a lecture on the "physical training of woman."

Leave of absence was granted to Messrs. Linder and Cunningham, for a few days, on account of sickness in their families.

The following message was received from his Excellency the Provisional Governor, through Mr. Atkinson, his Secretary, to-wit:

Mr. Speaker:

I am directed by his Excellency the Provisional Governor to deliver to the House of Representatives a communication in writing.

The hour of 12 o'clock M. having arrived, the House took up the special order for that hour, to-wit:

The report of the joint committee appointed to investigate the condition of the Georgia Penitentiary.

Mr. Bryant moved the adoption of the same.

Pending the discussion of the subject-matter of said report by Mr. Bryant, he yielded the floor for a motion of Mr. Shumate, that when the House adjourn it do adjourn to 4 o'clock P. M., and remain in session until 6 o'clock P. M. this day, for the purpose of reading bills the second time.

This motion prevailed, and the hour of adjournment having arrived, the Speaker declared the House adjourned until 4 o'clock P. M.

4 O'CLOCK P. M.

The House met pursuant to adjournment, the Speaker in the chair.

The following bills were read the second time and referred to the Judiciary Committee, to-wit:

A bill to add an additional section to the Penal Code of this State.

A bill to change the method of enforcing liens from the steamboat method to the method of enforcing mortgages on personal property.

A bill fixing compensation of the scrivener in making records in cases of felony tried in the courts of this State.

A bill to repeal section 4736 of Irwin's Code.

A bill to amend an act for the more efficient preservation of peace and good order on election days in this State.

A bill for the relief of Adelia J. Edmondson, of the county of Coweta.

A bill to authorize Nathan Chapman and W. D. Winbern to exhibit the sleight-of-hand in the State of Georgia free of taxation.

A bill to alter and amend the third paragraph of section 1969 of Irwin's Code of Georgia.

A bill to change the time of holding the Superior Courts of the counties of Jackson and Gwinnett.

A bill to amend the charter of the Planters' Warehouse Company, of the city of Macon.

The bill to change the line between the counties of Henry and Butts was read the second time and referred to the Committee on New Counties and County Lines.

The bill to change the time of holding the Superior Courts of Houston county was read the second time and referred to the Committee on the Judiciary.

The following bills were read the second time and referred to the Committee on Corporations, to-wit:

A bill to incorporate the North Georgia & Tennessee Railroad Company; to grant certain powers and privileges to the same, and for other purposes.

A bill to incorporate the Ringgold & Cooper's Gap Railroad Company; and to extend the aid of the State to said company, and for other purposes.

A bill to incorporate the town of Euharlee, in the county of Bartow; to appoint commissioners for the same, and for other purposes therein mentioned.

A bill to incorporate the Lookout Mountain Railroad Company.

A bill to amend "an act to incorporate the town of Forrestville, in the county of Floyd, and the State of Georgia; and to appoint commissioners for the same; and to extend the corporate limits of said town.

A bill to incorporate the town of Clarksville, in the county of Habersham; to appoint commissioners for the same, and for other purposes.

The following bills were read the second time and referred to the Committee on Finance, to-wit:

A bill to levy and collect a tax for the support of the Government for the year 1870, and for other purposes.

A bill to repeal an act prohibiting the sale and purchase of agricultural products in the counties of Lowndes and Macon.

A bill to make appropriations for levelling breast-works, etc., around the city of Savannah.

A bill to incorporate the North & South Railroad Company of Georgia, from Rome to Columbus, Georgia, and to grant certain powers and privileges to the same, and for other purposes.

A bill to authorize the Intendant and Wardens of the town of Athens to aid in the extension of the Georgia Railroad; or the construction of any other railroad from Athens to the Rabun Gap.

A bill to authorize the Mayor and Council of the city of Rome to subscribe not exceeding one hundred thousand dollars of stock in the Memphis Branch Railroad, upon certain conditions, and for other purposes.

A bill to extend and lend the credit of the State of Georgia to the Memphis Branch Railroad Company; and to amend the charter of the same, and for other purposes.

The bill to incorporate the Fort Valley & Hawkinsville Railroad Company, and for other purposes, was read the second time and ordered to be engrossed.

The bill to incorporate the town of Greensboro; to define its powers; to provide for its government, and for other purposes therein mentioned, was read the second time and referred to a special committee of seven.

The following bill was read the second time, and referred to the Committee on Agriculture and Internal Improvement.

A bill to amend an act to incorporate the Memphis Branch Railroad Company, and to grant certain powers and privileges to the same, and for other purposes.

The bill to incorporate The People's Savings Bank & Trust Company of Savannah was read the second time and referred to the Committee on Banks.

The House, on motion, adjourned until 10 o'clock A. M. to-morrow.

THURSDAY, July 28, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Dr. Brantly.

The call of the roll was dispensed with.

The Journal was read and approved.

Mr. Rawles moved to reconsider so much thereof as relates to the action of the House on yesterday in sustaining the decision of the Chair, adverse to the admissibility of a resolution to seat the Representatives elect from the counties of Irwin and Telfair.

The Speaker decided that the action mentioned was not subject to reconsideration, being nothing more than the expression of an opinion.

Mr. Shumate desired to appeal from this ruling of the Chair.

The Speaker ruled that such an appeal would be in the nature of an appeal from an appeal, and therefore could not be entertained.

On motion of Mr. Darnell the following message of his Excellency the Provisional Governor was taken up, read and referred to the Committee on Finance, to-wit :

ATLANTA, GA., July 27, 1870.

To the General Assembly:

It appears, from an examination of the books of the Penitentiary and the report of the book-keeper, Dr. George M. Lucas, that there is now an outstanding indebtedness, amounting to seven thousand, seven hundred and thirteen dollars, and ninety-seven cents. This indebtedness has been contracted since June 1, 1865, and in the main is due to merchants in Macon, Milledgeville, Augusta, Atlanta and Murfreesboro, Tennessee, for merchandise and provisions sold to and used by the Penitentiary up to the time of its lease to Messrs. Grant, Alexander & Co. A portion of it is due and unpaid to the counties of Chatham, Greene, Lee, Marion, Macon, Muscogee, Randolph and Walker, for transportation of prisoners to the

Penitentiary. The remainder is the amount due and unpaid to the guard at that institution and contractors for wood and hides.

The State of Georgia is indebted to the Penitentiary in the sum of four thousand three hundred and fifty-five dollars and eighty cents (\$4,355 80). This debt is for work and repairs done by convicts on the State House and Executive Mansion at Milledgeville, and for work done in the construction of a county bridge across the Oconee river at Milledgeville, under a contract made by the agent of the State of Georgia with the Inferior Court of Baldwin county in 1866.

The State has received full consideration for the amount of this account in the repairs of these buildings, and from the cash received from the sale of \$14,000 of Baldwin county bonds for construction by convict and chain-gang labor of said bridge. The State realized from the sale of said bonds about eight thousand dollars in cash, or its equivalent.

The counties of Cass, Charlton, Catoosa, Crawford, Decatur, Gordon, Sumter, Stewart, Thomas, and Whitfield are indebted to the Penitentiary in the sum of two thousand eight hundred and twenty-seven dollars and thirty-five cents. These counties have received a consideration in the accounts charged against them in the provisioning and safe-keeping of prisoners sent to the Penitentiary, because of the inadequacy for that purpose of the jails in these respective counties. There are no other assets of the Penitentiary considered available for the payment of its liabilities, save about three hundred dollars of notes and accounts considered good, now in the hands of attorneys for collection.

In view of the fact of this indebtedness by the State to the Penitentiary, and of the obligations of this institution to the parties before mentioned, I would most respectfully recommend that an appropriation be made by the General Assembly of seven thousand dollars, or so much thereof as may be necessary to pay these debts, said appropriation to be disbursed by the late book-keeper of the

Penitentiary, G. M. Lucas, upon his giving bond and security for the faithful disbursement of said money, he being also required to properly adjust and settle all the outstanding accounts, make a final balance, and close the books of said institution. I would also suggest that the accounts due the Penitentiary from the several counties enumerated be either remitted or the book-keeper be directed to proceed at once to enforce their collection. These claims have been so long standing that a further delay of their payment will be a reproach to the credit of the State, and an act of injustice to the citizens therein interested.

RUFUS B. BULLOCK.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate has passed the House bill entitled an act to set apart and secure the School Fund.

And I am directed to transmit the same forthwith to this branch of the General Assembly.

Leave of absence was granted Messrs. Strickland, Harkness, Rainey and Seale on special business ; and to Messrs. Humber, Allen of Hart, Nisbet of Dade and Carson on account of sickness.

Leave of absence was also granted Mr. Maxwell for a few days on important business, he having paired off with Mr. Rainey on the question of prolongation only.

Mr. Carson, chairman of the Committee on Enrollment, submitted the following report :

Mr. Speaker :

The resolution appointing a joint committee to take into consideration the proposition of the City Council of Atlanta, etc., is duly enrolled and ready for the signature of the Speaker of the House of Representatives.

WILLIAM C. CARSON,
Chairman Enrolling Committee.

The following message was received from his Excellency the Provisional Governor, through Mr. Atkinson, his Secretary, to wit:

Mr. Speaker:

His Excellency the Provisional Governor has approved and signed the following act, to-wit:

“An act to set apart and secure the School Fund.”

Also “a resolution appointing a joint committee to take into consideration the proposition of the City Council of Atlanta,” etc.

The unfinished business of yesterday was resumed, to-wit:

The report of the joint committee appointed to investigate the condition of the Georgia Penitentiary.

A motion to adopt the report was pending at the adjournment of the morning session, Mr. Bryant having the floor.

He resumed discussion of the subject, and substituted for the motion to adopt the report a motion to disagree thereto.

Pending discussion on this proposition, Mr. Shumate moved that the session of this day be extended to half past one o'clock, and that the House at that hour adjourn until 10 o'clock A. M. to-morrow.

The motion prevailed.

The unfinished business was resumed.

Pending the discussion thereon, Mr. Simms having the floor, the hour of adjournment arrived, and the Speaker declared the House adjourned until 10 o'clock A. M. to-morrow.

FRIDAY, July 29, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Dr. Brantly.

The call of the roll was, on motion, dispensed with.

The Journal was read and approved.

The unfinished business of yesterday was resumed, to-wit:

A motion to disagree to the report of the joint committee to investigate the condition of the Georgia Penitentiary.

Mr. Phillips moved that the subject-matter under consideration be referred to a joint special committee of seven from the House and five from the Senate.

Upon this proposition Mr. Shumate called for the previous question.

The call was sustained.

The main question was put, and the motion to refer prevailed.

Mr. Turner, from the committee to superintend the funeral of Hon. Malcom Claiborn, deceased, made the following report:

Mr. Speaker:

Your committee of arrangements in relation to the funeral of Hon. Malcom Claiborn beg leave to say, that the shortness of the time between their appointment and the burial of the deceased made it impossible for them to alter previous arrangements made by the colleague of deceased, and decomposition rendered it necessary to inter the body immediately.

According to previous arrangements, the procession formed with the Rev. — Peck, elder of the African Methodist Episcopal Church, who performed the funeral services, and proceeded at once to the cemetery, where were interred the remains of the honorable deceased.

Respectfully submitted.

H. M. TURNER,
JOHN A. MADDEN,
JOHN WARREN.

Mr. Turner offered the following resolution, which was, on motion, taken up, read and agreed to, to-wit :

Resolved, That seats on the floor of this House be tendered to the Hon. Joshua Hill, the Hon. Thos. P Saffold and the Hon. Phillip M. Russell.

On motion of Mr. Shumate the rules were suspended, when he offered the following resolution, which was taken up and read :

Resolved, That hereafter no member shall occupy more than thirty minutes in discussion of any question without the consent of a majority of the members present.

Mr. Anderson moved to amend by striking out "thirty" and inserting "twenty."

The amendment was not received.

The resolution was adopted.

The following message was received from his Excellency the Provisional Governor, through Mr. Atkinson, his Secretary, to-wit :

Mr. Speaker :

I am directed by his Excellency the Provisional Governor to deliver to the House of Representatives a communication in writing with accompanying documents.

On motion of Mr. Hillyer the same was taken up and read, to-wit :

EXECUTIVE DEPARTMENT,
ATLANTA, GEORGIA, July 29, 1870.

To the House of Representatives :

I herewith transmit to the House of Representatives the memorial of Rebecca B. B. Cohen and Perla Sheftall Solomans, asking relief and remuneration for reasons therein stated.

In connection therewith I also transmit a copy of a message of my predecessor, Governor Herschel V Johnson,

bearing date November 23, 1855, who, after an examination of the subject, was satisfied that the claim was meritorious. I respectfully recommend such action by your honorable body as will insure justice to the memorialists, and fulfill the obligations that may have been incurred by the State.

RUFUS B. BULLOCK.

On motion of Mr. Lee the foregoing communication and accompanying documents were referred to the Committee on Finance.

The call of the counties being the regular order of the day, the following bills and resolutions were introduced and read the first time, to-wit:

By Mr. Houston—

A bill to prevent the carrying of concealed weapons.

A bill to make the roads and bridges from the Isle of Hope, across Long Island, to the main road on Skidaway Island, in the county of Chatham, a part of the public roads.

Also, a bill to regulate common carriers in this State.

By Mr. Goodwin—

A bill to amend an act entitled an act to incorporate the town of Kingston, in the county of Bartow.

Also, a bill to repeal an act to change the name of the county of Cass in this State, and for other purposes therein mentioned, assented to December 6, 1861, and for other purposes.

By Mr. Franks—

A bill to bring on an election in the city of Macon, and to amend the charter of said city.

Also, a bill to allow bar-keepers to sell certain beverages on the Sabbath day

Also, a bill to amend section 3496 of the Code of Georgia.

By Mr. Fitzpatrick—

A bill to alter and amend the laws in relation to the interest charged by the banks of this State.

Also, a bill to incorporate, the Planters' & Miners' Bank of the State of Georgia.

Also, a bill to authorize J. K. Harmon, of the county of Bibb, to practice medicine in the State of Georgia, and to collect his fees.

Also, a bill to extend the corporate limits of the city of Macon; and the jurisdiction of the Mayor and Council of said city over said extended limits, and for other purposes.

By Mr. Harkness—

A bill to incorporate the Indian Springs Railroad Company, and for other purposes.

By Mr. Turner—

A bill to appropriate the State Capital and the Governor's mansion, at Milledgeville, to educational purposes.

Also, a bill to repeal "an act to amend the several acts, now of force, regulating the fees of magistrates and constables in the State of Georgia, so far as relates to the counties of Bibb, Richmond, Monroe and Lee, and to provide for the mode of collecting the same, approved Jan. 22, 1852; and the several acts amendatory thereof; and to prescribe the mode of collecting the costs in insolvent cases due magistrates and constables in this State.

Also, a bill to add an additional section to the 9th division of the Penal Code.

Also, a bill declaring certain persons husband and wife.

Also, a resolution in relation to the appointment of a commission to reform, amend and consolidate the penal laws of this State.

By Mr. O'Neal of Baldwin—

A bill to abolish the Penitentiary system and laws of this State.

By Mr. Bell of Banks—

A bill to change the lines between the counties of Jackson and Banks.

By Mr. Rice—

A bill to repeal an act authorizing the Central Railroad & Banking Company to lease and work certain railroads, and for other purposes therein mentioned, approved January 22, 1852.

Also, a bill to amend an act entitled "an act to extend the time in relation to issuing 'head rights;' so as to extend the time for granting the same until the 25th day of December, A. D. 1869; and to authorize the Secretary of State to issue grants to all surveys now in office."

Also, a bill to amend an act entitled "an act to incorporate the Augusta & Hartwell Railroad Company."

By Mr. Parks—

A bill for the relief of Herschel Dean, an invalid citizen of Georgia.

By Mr. Davis of Clark—

A bill to repeal sections 1816 and 1817 of Irwin's Code, relative to binding out orphan children of this State.

By Mr. Cleghorn—

A bill to alter and amend an act entitled "an act to organize a criminal court for each county of this State."

By Mr. Gray—

A bill to lend the credit of the State to the North Georgia Railroad Company.

Also, a bill to confer the rights of majority on certain persons therein mentioned, and for other purposes.

Also, a bill "to provide for the classification of public roads in the counties of Walker, Catoosa and Dade."

By Mr. McDougald—

A bill to incorporate an insurance company in the city of Columbus to be called the "Home, Fire and Marine Insurance Company of Columbus, Georgia."

Also, a bill to incorporate the Eatonton & Union Point Railroad Company.

By Mr. Watkins—

A bill to change the line between the counties of Thomas and Colquitt.

Also, a bill providing that the fees of coroners, sheriffs, clerks of court of record, justices of the peace, and constables, shall not be liable to garnishment.

By Mr. Turnipseed—

A bill to repeal an act entitled "an act to encourage immigration into this State, and the investment of capital in lands."

By Mr. Sisson—

A bill to amend the charter of the city of Atlanta, Ga.

Also, a bill to amend the charter of the city of Atlanta so as to allow guardians, etc., to invest in the bonds of the city.

Also, a bill to amend the charter of the city of Atlanta, so as to allow a registration of the municipal voters.

Also, a bill to amend the charter of the city of Atlanta, authorizing the creation of a board of health, making fire limits, extending corporate limits, and for other purposes.

By Mr. McArthur—

A bill to prevent persons obstructing Thomas Creek, in the county of Tatnall.

On motion of Mr. Shumate it was ordered that when the House adjourn this day at one o'clock, it shall meet at 4 P. M. for the purpose of reading bills the second time.

Leave of absence was granted Messrs. Smith of Ware, Hughes, Watkins, Page, Williams of Harris, and Belcher, for a few days, on special business; also, to Messrs. Smith of Coffee, Johnson of Towns and Stone, on account of sickness.

The hour of adjournment arrived, and the Speaker declared the House adjourned until 4 o'clock P. M.

4 O'CLOCK P. M.

The House met pursuant to adjournment, the Speaker in the chair.

Mr. Harper of Terrell moved that when the House adjourn it do adjourn until 10 o'clock A. M. Monday.

Mr. Price rose to a point of order, assuming that, having met this afternoon for a specific purpose, no other business was in order.

The Speaker decided that while the House could transact no business, except that specifically set apart for the afternoon session, an adjournment was always within the power of the House, if for a less period than three days.

Mr. Shumate required a call of the House. A quorum was found present.

Upon the proposition of Mr. Harper of Terrell, Mr. Scott required the yeas and nays to be recorded.

Those voting in the affirmative are Messrs.—

Armstrong,	Gardner,	Nesbit of Gordon,
Bethune,	Guilford,	O'Neal of Lowndes,
Belcher,	Gullatt,	O'Neal of Baldwin,
Beard,	Hillyer,	Porter,
Brewster,	Houston,	Perkins of Dawson,
Barnes,	Harden,	Rogers,
Bradford,	Hughes,	Richardson,
Carson,	Hutchings,	Stone,
Clower,	Harper of Terrell,	Smith of Muscogee,
Cloud,	Harrison of Hancock,	Tweedy,
Cobb,	Joiner,	Thomason,
Davis,	Jackson,	Turner,
Fitzpatrick,	Matthews,	Turnipseed,
Goodwin,	Maull,	Warren of Burke.
Golden,	Moore,	

Those voting in the negative are Messrs.—

Anderson,	Hall of Glynn,	Rice,
Allen of Jasper,	Johnson of Towns,	Reddish,
Brown,	Johnson of Forsyth,	Rosser,
Ballanger,	Lee,	Saulter,
Cleghorn,	Lastinger,	Shumate,
Darnell,	McArthur,	Scott,
Erwin,	Neal,	Scroggins,
Felder,	Nash,	Sorrells,
Ford,	Osgood,	Watkins,
Fincannon,	Price,	Walthall,
Gray,	Paulk,	Wilcher,
Holcombe,	Phillips,	Welchel,
Hook,	Prudden,	Williams of Haralson.
Hooks,	Perkins of Cherokee,	Zellars.
Harrison of Franklin,		

Yeas 44.

Nays 42.

So the motion prevailed.

Mr. Osgood presented a petition of the liquor dealers of Savannah, which was, on motion, referred to the Committee on Finance.

Mr. Hall of Meriwether presented a memorial of Rev.

H. C. Hornady, which, on his motion, was referred to the Committee on Finance.

The following bills were read the second time and referred to the Committee on Agriculture and Internal Improvement, to-wit:

A bill to apply provisions of an act relating to sale of agricultural products, passed 4th March, 1869, to the counties of Houston and Sumter.

A bill incorporating the Ocmulgee & North Georgia Railroad Company.

A bill to incorporate the Macon Agricultural & Manufacturing Company.

A bill to grant certain persons therein named the right to dig and mine in the beds of navigable streams and waters of the State of Georgia for phosphate rocks and phosphate deposits.

A bill to protect the agricultural interests of the county of Stewart, and for other purposes therein mentioned.

The following bills were read the second time and referred to the Committee on the Judiciary, to-wit:

A bill for the relief of John A. Walden, of the county of Lee.

A bill to amend the Homestead Law of this State.

A bill to point out the mode of paying the fees of the Solicitor-General of the Tallapoosa Judicial Circuit, and for other purposes.

A bill to repeal an act for levying a tax for payment of Clerks and Sheriffs in criminal cases in certain counties.

A bill to repeal all acts abrogating, or impairing, the statutes of limitation in the collection of debts.

A bill to allow compensation to the various Ordinaries of the State of Georgia for county services.

A bill requiring the State Treasurer to refund to L. W. Hazlehunt, of the county of Wayne, \$230, amount of tax over-paid.

A bill to create a board of commissioners of roads and revenue for the county of Pickens.

A bill to create a board of commissioners of roads and revenue in the county of Glynn.

A bill providing that there shall be no appeal from one jury of the City Court of Augusta to another, and for other purposes.

The bill to prohibit punishment for crime by whipping in this State, and to provide punishment in lieu thereof, was read the second time and referred to the Committee on the Penitentiary.

The following bills were read the second time and referred to the Committee on Finance, to-wit:

A bill for the relief of Thomas W Fleming, former United States Surveyor of the port of Augusta, Georgia, and his securities.

A bill to incorporate the Newnan & Americus Railroad Company.

The bill to authorize the Governor of this State to organize and equip volunteer companies was read the second time and referred to the Committee on the Military.

The following bills were read the second time and referred to the Committee on the Judiciary:

A bill to alter State laws in relation to the collection of taxes in Talbot county.

A bill declaratory of the true intent of the first clause of section 4191 of the Revised Code of Georgia.

A bill to provide for the hearing, upon the merits of certain cases, in the Supreme Court, which have been dismissed on technicalities.

A bill to carry into effect the true intent and meaning of the third paragraph of the third section of the fifth article of the Constitution of the State, so far as the same relates to the filing of defense on oath in all civil cases founded on contract.

A bill to facilitate the carrying cases to the Supreme Court; to authorize a brief of the written evidence to be incorporated in the bill of exceptions in certain cases; to secure decisions on the merits, and to prevent the dismissal of cases in the Supreme Court for certain causes.

A bill to authorize the Mayor and Council of the city of Rome to issue bonds and borrow money for purposes therein specified.

The following bills were read the second time and ordered to be engrossed, to-wit :

A bill to extend, continue and renew the banking privileges of the Central Railroad and Banking Company of Georgia.

A bill to incorporate the Georgia Banking Company of Savannah.

A bill to amend an act incorporating the Savannah Bank and Trust Company of Savannah, approved March 4, 1869.

The following bills were read the second time and referred to the Committee on Education, to-wit :

A bill to establish a system of public instruction.

A bill to establish Public Schools in this State.

The following bills were read the second time and referred to the Committee on Corporations, to-wit :

A bill to incorporate the Elgin Slate Company.

A bill to incorporate the Empire State Works.

The following bill was read the second time and referred to the Committee on New Counties and New County Lines, to-wit :

A bill to change the county lines between the counties of Ware and Pierce.

The House, on motion, adjourned to 10 o'clock A. M. Monday, August 1.

MONDAY, August 1, 1870,

10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Dr. Crawford.

The call of the roll was, on motion, dispensed with.

The Journal was read and approved.

Mr. Gray moved a suspension of the rules for the purpose of introducing a resolution bringing on, this day at 12 o'clock M., elections for a Speaker *pro tem.* and Messenger.

The motion did not prevail.

Mr. Simms offered the following resolution, which was taken up, read, and agreed to :

Resolved, That the use of this Hall be tendered Mr. J. F. Quarles, of this city, late graduate of Westminster College, to deliver a lecture this evening. Subject : "The relations of Christian morality to our political institutions."

Messrs. Phillips, Duncan, O'Neal of Lowndes, Costin, Beard, Evans, and Ford were announced by the Speaker as the House members of the joint special committee to whom the report of the joint committee on the Penitentiary was referred.

Mr. Hall of Meriwether, chairman of the Finance Committee, made the following report :

Mr. Speaker :

The Finance Committee have had under consideration the following bills, to-wit :

A bill to authorize the Mayor and Council of Rome to subscribe not exceeding one hundred thousand dollars of stock in the Memphis Branch Railroad, upon certain conditions, and for other purposes, which they recommend do pass.

Also, a bill to authorize the Intendant and Wardens of the town of Athens to aid in the extension of the Georgia Railroad, or the construction of any other road to Rabun Gap, which they recommend do pass.

Also, a bill to make appropriations for leveling the breastworks, etc., around the city of Savannah, which they recommend do not pass.

Also, a bill to repeal an act prohibiting the sale of agricultural products after night, by tenants, etc., without permission from employer, which they recommend do pass.

W H. F. HALL,
Chairman Finance Committee.

Mr. O'Neal, chairman of the Committee on the Judiciary, submitted the following report :

Mr. Speaker:

The Judiciary Committee have had under consideration the following bill:

A bill to be entitled "an act to change the time of holding the Superior Court of Houston county," for which they recommend the accompanying substitute.

JOHN W O'NEAL, Chairman.

On motion of Mr. O'Neal of Lowndes the rule was suspended, and the bill mentioned in the foregoing report was taken up. The substitute proposed in said report was adopted.

The bill as amended was read the third time, and passed as amended.

The call of the counties being the regular order of the day, the following bills and resolutions were introduced and read the first time, to-wit:

By Mr. Anderson—

A bill to empower the Mayor and Council of Marietta to levy a tax.

By Mr. Porter—

A bill to regulate the fees of Clerks of the Superior Courts, Clerks of the District Courts to be hereafter paid, and for other purposes.

Also, a bill to establish District Courts in the several Senatorial Districts of this State, with officers and rates of compensation for the same.

By Mr. Zellars—

A bill to amend an act to incorporate the town of Palmetto, of the county of Campbell, and to appoint commissioners for the same, and for other purposes therein mentioned, approved February 18, 1854.

By Mr. Lastinger—

The following resolution, which was, on motion, taken up, read and agreed to, to-wit:

Resolved, That the Judiciary Committee be instructed

to report a bill fixing the fees of the Ordinaries of this State, for all services now required to be performed by law, for which no compensation has been provided.

By Mr. Fowler—

A bill to change the time of holding Superior Courts in Catoosa county.

By Mr. Shumate—

A bill to incorporate the Dalton & North-Eastern Alabama Railroad Company.

Also, a bill to authorize a brief of the unwritten and oral testimony to be filed in motions for new trials.

Also, a bill to authorize all pleas and defenses to be sworn to before certain officers of other States or countries, and to prescribe the legal effect of the official attestation of such officer.

By Mr. Fitzpatrick—

A bill to repeal the 8th section of the act to levy and collect a tax for the support of the Government for the year 1869, and for other purposes, approved March 18, 1869.

By Mr. Scroggins—

A bill to allow B. H. Mitchell to peddle without license.

Also, a bill to incorporate the Newnan Bank, Loan & Trust Company of Newnan.

By Mr. Hillyer—

The following resolution, which was taken up, read and referred to the Committee on Public Printing:

Resolved, That his Excellency the Governor be authorized to draw his warrant upon the Treasurer for five thousand dollars in favor of the Public Printer.

By Mr. Perkins of Cherokee—

A bill authorizing the Ordinary, Commissioners and Clerk of Cherokee county to revise and draw jurors for the ensuing term of the Superior Court, etc.

By Mr. Phillips—

A bill to regulate labor of mechanics, machinists, artisans and laborers on plantations, etc.

Also, a bill to reduce the per diem of the members of the Legislature and President of the Senate and Speaker of the House of Representatives, etc.

By Mr. Rawles—

A bill to authorize Halstead Smith, a minor of Chatham county, to qualify as executor of the last will and testament of Daniel T. Scranton, deceased.

By Mr. Holcombe—

A bill to incorporate the Atlanta and Savannah Railway Company.

Also, a bill to repeal so much of sections 1303 and 1306 of Irwin's Revised Code of Georgia, as requires voters at the elections in this State to swear to the payment of taxes, etc.

Also, a bill to amend the several acts heretofore passed incorporating the city of Atlanta.

Also, a bill for securing and collecting costs.

By Mr. Ballanger—

A bill to change the line between the counties of Floyd and Gordon.

A bill to amend "an act to incorporate the Cherokee Wesleyan Institute, and for other purposes."

Also, a bill to amend the act incorporating the village of Cave Spring, in Floyd county.

By Mr. Haren—

A bill to prevent the distillation of cane in the county of Fannin.

By Mr. Ellis—

A bill to prevent the harming and killing of deer in the counties of Fannin, Gilmer and Murray, between the 10th day of April and the 20th day of September, in each year.

By Mr. Nesbitt of Gordon—

A bill to authorize the removal of obstructions from the Oostanaula and Coosawattee rivers, and for other purposes therein mentioned.

By Mr. McWhorter—

A bill to define the powers and authority of Sheriffs and other officers of this State, and to provide for a violation of the same.

By Mr. Hall of Glynn—

A bill to protect the people of this State in the sale of Kerosene and other illuminating oils.

A bill to legalize juries drawn for the county of Glynn.

A bill to authorize the Board of Trustees of Glynn County Academy to issue change bills to the amount of \$1000 00.

Also, the following resolution, which was taken up, read and adopted, to-wit :

Resolved, That a seat on this floor be tendered Hon. Samuel McComb during his stay in this city.

By Mr. Erwin—

A bill to make slander a criminal offense.

Also, a bill to amend an act, assented to December 11th, 1841, incorporating Habersham and Union Turn Pike Company, and to grant certain privileges to the same, and for other purposes therein mentioned.

By Mr. Williams of Haralson—

A bill to enforce the 8th section of “an act to levy and collect a tax for the support of the Government for the year 1869, and for other purposes, approved March 18, 1869.”

By Mr. Brewster—

A bill to alter and amend section 2023 of the Revised Code of Georgia.

By Mr. Shackleford—

A bill to incorporate the town of Hogansville, in the county of Troup, etc.

Also, a bill to change the times of holding the Superior Courts of Paulding county, Georgia.

By Mr. Matthews—

A bill to legalize an election for mayor and aldermen in the town of Marshallville, Macon county, Georgia.

By Mr. Duncan—

A bill to amend an act incorporating the Alabama and Georgia Manufacturing Company, approved March 21, 1866.

Also, a bill to extend the aid of the State to the Fort

Valley and Hawkinsville Railroad Company, and for other purposes.

Also, a bill to authorize the county of Houston to subscribe the sum of \$150,000 to the Fort Valley & Hawkinsville Railroad Company, and to provide for the issuing of bonds for said purpose, and for other purposes.

By Mr. Hutchings—

A bill for the relief of W. F. Wilcoxon, of Jones county.

By Mr. Madison—

A resolution to change the place of the next meeting of the General Assembly.

By Mr. O'Neal of Lowndes—

A bill to prescribe the method of paying certain jailors' fees, etc.

By Mr. Price—

A bill to change the line between the counties of Lumpkin and Hall.

Also, a bill to authorize A. G. Wimpy and John M. Mayes, executors of Francis Welchel, deceased, to pay over certain distributive shares of said estate without the intervention of trustees.

Also, a bill to incorporate the Crisson, Sluice-Washing & Quartz Mining Company of Lumpkin county.

Also, a resolution expressive of the sense of the General Assembly upon the subject of the importation of Asiatic laborers into this State.

By Mr. Hall of Meriwether—

A bill to change the seventh paragraph of section 1711 of our Code.

Also, a bill to reinstate certain parties as executors, etc.

By Mr. Scott—

A bill to amend an act to incorporate the town of Desoto, in the county of Floyd.

By Mr. Campbell—

A bill to amend an act entitled "an act to organize a Criminal Court in each county in this State."

Also, a bill to authorize the Governor of this State to organize and equip volunteer companies.

Also, a bill to carry into effect the sixth article of the

Constitution of this State, and provide a thorough system of education to be forever free to all the children of this State.

By Mr. Floyd—

A bill to prevent Sheriffs, or their deputies, from selling more than a certain quantity of land at once.

By Mr. Maull—

A bill to appropriate \$2,000 for the benefit of those afflicted with diseases of the eyes, etc.

Also, a bill to allow Dr. A. W. Allen, an aged and infirm citizen of this State, and resident of Muscogee county, to peddle without license.

Also, a bill for the relief of James A. Bradford, Julius J. Clapp and others.

By Mr. Harden—

A bill to allow W. S. Ashworth of Fulton county to peddle in any county of this State free of tax or license.

By Mr. Darnell—

A bill to amend an act to organize a Criminal Court in each county in this State.

By Mr. Saulter—

A bill to regulate the practice of medicine in this State.

By Mr. Tumlin—

A bill to incorporate the Chattahoochee Air-Line Railroad Company, and for other purposes therein mentioned.

By Mr. Fincannon—

A bill to require the Treasurer of Rabun county to receive jury certificates in payment of dues to said county.

By Mr. Cobb—

A bill to amend an act to incorporate the city of Americus, and to amend an act to incorporate the town of Americus, Sumter county, Georgia.

Also, a bill to amend an act to incorporate the city of Americus, and to alter and amend an act entitled "an act to incorporate the town of Americus, Sumter county, Georgia."

Also, a bill for the relief of Charles B. Roberts of Sumter county, Georgia.

By Mr. Harper of Sumter—

A bill for the relief of certain parties in the county of Sumter.

Also, a bill to create and organize a new Judicial Circuit out of the counties composing the Southwestern Circuit, and to provide for the appointment of a judge thereof, and for other purposes.

Also, a bill to add certain counties therein mentioned to the Southwestern Judicial Circuit, and for other purposes.

By Mr. Humber—

A bill to relieve William H. Harrison, and his security, Daniel E. Horton, both of the county of Stewart, from their liabilities, as principal and security, on administrator's bond.

By Mr. Rainey—

A bill incorporating the town of Ellaville, Schley county.

By Mr. McCormick—

A bill to alter an amend an act entitled "an act to regulate insurance business and insurance agencies in the State of Georgia," approved March 19, 1869.

By Mr. Bethune—

A bill to enforce the fifteenth section of article 5 of the Constitution of this State.

Also, a bill to amend "an act to require the Reporter of the Supreme Court to publish the decisions of the Supreme Court in pamphlet form, and to provide for the distribution of the same, and for other purposes.

Also, a bill to incorporate the town of Geneva, in the county of Talbot.

Also, a bill to incorporate the Planters' & Laborers' Loan and Trust Company.

By Mr. Carson—

A bill to incorporate the town of Boston, in the county of Thomas; appoint commissioners for the same, and for other purposes.

By Mr. Guilford—

A bill to amend the jury laws of this State.

By Mr. Hooks—

A bill to prevent property from being levied on and sold during a certain period.

Also, a bill to authorize and require the removal of certain obstructions in Turkey Creek, etc.

By Mr. Sorrells—

A bill to change the county lines of Jackson and Walton.

By Mr. Bradford—

A bill to amend an act organizing a Criminal Court in each county in this State.

Also, a bill to change the times of holding the Superior Courts of the county of Wilkes.

By Mr. Shumate—

A bill for the relief of John Caldwell of Fulton county.

Also, a memorial accompanying the same.

By Mr. Rosser—

A bill for the relief of Robert F Tullis and James O. Holly, of the county of Webster.

A bill to repeal an act requiring the Ordinaries of the counties of Stewart and Webster to levy a tax to pay insolvent criminal costs, so far as it relates to the county of Webster.

Also, a bill to incorporate the town of Preston, in the county of Webster, and appoint commissioners for the same, and for other purposes.

By Mr. Gardner—

A bill to define the liabilities of commissioners of the counties of this State, for the revision of jury lists, and for other purposes.

By Mr. Barnum—

The following resolution, which was taken up, read and, on motion of Mr. Hall of Meriwether, laid on the table, to-wit:

Resolved, That this House have a session from 4 to 6 o'clock P. M., for reading bills the second time.

Also, a bill to change the road laws of this State, so far as relates to the county of Stewart.

Also, a resolution granting the use of this hall to Dr. A. L. Hamilton for the purpose of lecturing on the "Physical Training of Women," on Thursday evening next, which was agreed to.

By Mr. Page—

A bill to incorporate the Barnwell, Millen & Albany Railroad Company.

On motion of Mr. Bryant the morning session was extended fifteen minutes.

By Mr. Tweedy—

A bill to fix the salaries of the Judges of the Supreme and Superior Courts.

By Mr. Osgood—

A bill for the relief of certain persons therein named.

By Mr. Madden—

A resolution directing the Treasurer in regard to the payment of the mileage and per diem of Hon. Malcom Claiborne, deceased, which was, on motion, referred to the Judiciary Committee.

By Mr. Osgood—

A bill to incorporate the German Immigrant Aid Society of Georgia, and to confer certain privileges on the same.

By Mr. Warren of Burke—

A bill to carry into effect section 23, article 1 of the Constitution of Georgia, and prohibit the sale of lottery tickets therein, and provide the manner of punishing offenders, and for other purposes.

Also, a bill to provide the mode and manner of compelling putative fathers to maintain their bastard children, and punish them for failing or refusing to do so.

Mr. Hall of Glynn presented the petition of L. W. Hazlehurst, of the county of Wayne, which was, on motion, without being read, referred to the Finance Committee.

Mr. Anderson presented the petition of Henry G. Cole, which was referred, on motion, to the Committee on Petitions, without being read.

Leave of absence was granted Messrs. Lastinger, Lane, and Beard on account of special business.

The House, on motion, adjourned until 10 o'clock A. M. to-morrow.

TUESDAY, August 2, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair. •

Prayer by the Rev. Dr. Brantly.

The call of the roll was dispensed with.

The Journal was read and approved.

Mr. Hall of Meriwether, chairman of the Finance Committee, made the following report :

Mr. Speaker

The Committee on Finance have had under consideration the bill to be entitled "an act to incorporate the Newnan & Americus Railroad, and to extend the aid of the State to the same," which they recommend do pass.

Also, a bill to be entitled "an act to lend the credit of the State to the Memphis Branch Railroad Company, and to amend the charter of the same, and for other purposes," which they recommend do pass.

Also, a bill to be entitled "an act for the relief of Rebecca B. B. Cohen and Porla S. Solomons, heirs of Colonel Mordecia Sheftall, a revolutionary officer, which they recommend do not pass.

Also, a bill to be entitled an act to incorporate the North and South Railroad Company, and to grant the aid of the State to the same, which they recommend do pass.

W H. F. HALL,
Chairman Finance Committee.

Mr. Hamilton, chairman of the Committee on Corporations, made the following report :

Mr. Speaker :

The Committee on Corporations have had under consideration a bill to incorporate the North Georgia & Tennessee Railroad Company, which they recommend do pass with amendments.

Also, a bill to incorporate the Lookout Mountain Railroad Company, which they recommend do pass.

W D. HAMILTON,
Chairman Committee on Corporations.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have adopted the following resolution, in which they ask the concurrence of the House :

Resolved, That the General Assembly will so shape its legislation as that no election shall be held for the various offices provided for by the Constitution, until Congress, by the admission of our Senators and Representatives, or in some other way shall definitely determine whether the Constitution of this State is held to go into operation as the paramount law in 1868 or in 1870.

Mr. O'Neal, chairman of the Judiciary Committee, submitted the following report :

Mr. Speaker :

The Judiciary Committee have had under consideration the following bills :

A bill to be entitled "an act to add an additional section to the Penal Code of this State," which they recommend do not pass.

Also, a bill to be entitled "an act to change the method of enforcing liens from the steamboat method to the method of enforcing mortgages on personal property, which they recommend do not pass.

Also, a bill to be entitled "an act fixing compensation of the scrivener in making record in cases of felonies tried in the courts of this State," which they recommend do not pass.

Also, a bill to be entitled "an act for the relief of Adelia J. Edmondson, of the county of Coweta," which they recommend do not pass, as, in the opinion of the committee, upon her own showing, she is lawfully authorized to marry, her intermarriage with Hugh Barkly being void.

Also, a bill to be entitled "an act to authorize Nathan Chapman and W. D. Winburn to exhibit the sleight-of-

hand in this State free of taxation," which they recommend do not pass.

Also, a bill to be entitled "an act requiring the State Treasurer to refund to L. W. Hazlehurst, of the county of Wayne, two hundred and thirty dollars, amount of tax overpaid," which they recommend do not pass.

Also, a bill to be entitled "an act to change the time of holding the Superior Courts of the counties of Jackson and Gwinnett," which they recommend do not pass.

JOHN W. O'NEAL, Chairman.

The following message was received from his Excellency the Provisional Governor, through Mr. Atkinson, his Secretary, to-wit:

Mr. Speaker:

I am directed by his Excellency the Provisional Governor to deliver to the House of Representatives a communication in writing, with accompanying documents.

On motion of Mr. Darnell the communication mentioned in the foregoing message was read and referred to the Committee on Finance.

It is as follows, to-wit:

ATLANTA, GA., August 1, 1870.

To the General Assembly:

I herewith transmit the reports of the Comptroller-General and the Treasurer.

The report of the Comptroller-General is very complete and comprehensive, showing the resources of the State, the receipts and disbursements of the public money, together with much valuable statistical information, and gives ample evidence that the important office of Comptroller-General, under the able management of Hon. Madison Bell, is fully performing the duty assigned to it by law as the guardian of the revenues, and a check, by examination and audit, upon all accounts against the State.

The report of the Treasurer discloses the several amounts received into and paid out of the treasury during the year 1869.

The duties of the Treasurer, as the custodian and payee of the public money, are fully defined in the following extract from the Code, to-wit:

It is moreover the duty of the State Treasurer to receive and keep safely all the money which shall be paid to him in behalf of the State, giving certificates therefor, which certificates shall specially set forth the amount, on what account, and by whom paid; and shall be lodged as vouchers in the Comptroller's office; and to pay out the same only upon the warrants of the Governor, when countersigned by the Comptroller-General, excepting the drafts of the President of the Senate and Speaker of the House of Representatives, for the sums due to the members and officers of their respective bodies.

The present Treasurer, however, reports a schedule of 88 Executive warrants issued by the Governor and countersigned by the Comptroller-General, in payment for lawful accounts, duly audited, against the State, in favor of nearly, if not quite, the same number of citizens, "payment of which," to use the Treasurer's own language, "has been refused by the Treasurer, he believing them to be illegal, by the manner of drawing, and fearing he would be liable on his bond for the amount if paid by him."

The attention of your honorable body is invited to the novelty of this proceeding. A public officer, whose duty by law is to "keep safely all the money which shall be paid to him in behalf of the State," * * "and to pay out the same only upon the warrants of the Governor when countersigned by the Comptroller-General, except the drafts of the President of the Senate and Speaker of House of Representatives, for the sums due the members and officers of their respective bodies," refusing to honor "warrants of the Governor when countersigned by the Comptroller-General," because HE believed them to be illegal!

In this peculiar manner a single official, by the exercise of his own opinion, forces the State into the disgraceful position of repudiating her current indebtedness.

By the report of the Comptroller-General, the total receipts to January 15, 1870, were \$2,183,090 51. Cash balance on hand January 15, 1869, \$116,695 65. The

total disbursements during the year 1869 were \$1,857,825 98. Cash balance on hand January 1, 1870, \$441,960 18.

The net earnings of the Western & Atlantic Railroad were \$250,000.

The Comptroller-General estimates the taxable value of the property of this State for the present year at two HUNDRED MILLIONS OF DOLLARS.

Of our 6 per cent. bonds issued before the war—say \$155,000 fall due this year, and a portion are now past due. There are also some £18,000 sterling, being \$15,000 under the recent decision of the Supreme Court of the United States; but independent of that, good faith, under the implied agreement when the bonds were issued, would demand of us the redemption of these bonds when due, in a currency of the same value as that which we received for them when issued; and no act will more promptly fix the value of our credit than thus voluntarily meeting to the letter our financial obligations.

To offer a second series of 7 per cent. currency bonds not carrying a special mortgage would certainly fix a market rate for them below that now placed upon the mortgage issue of 1866, nor would it be just to the present holders of the mortgage bonds to increase the amount of bonds based upon the mortgage security without their consent. And as it is neither necessary nor politic to pay off the bonds falling due this year by an increased taxation, we must seek some means by which our bonds will command the highest market rate, and at the same time relieve the issue from any unseemly irregularity like that of 1866. I would, therefore, respectfully recommend that your honorable body authorize and provide for a new issue of bonds, having twenty years to run, bearing seven per centum interest, with interest and principal payable in gold at the Treasury here, and at the office of the financial agent in New York and in London—the issue to be used in meeting all bonds now due or falling due until otherwise ordered by law, and for the purpose of funding the seven per centum currency bonds carrying the mortgage on the State Road. A bond of this character would readily sell for par

and upwards in the New York markets at the present time, and for a higher rate as financial matters become more settled. Holders of the currency mortgage bonds would find their interest promoted by exchanging for the plain gold bonds, and the special mortgages would thus be absorbed and canceled, and the State's railroad relieved of the mortgage. We would then have but one series or character of bonds outstanding that have been issued since the war, and with this series would be able to fund or pay the six per cent. bonds, falling due 1870, 1871, 1872, 1873 and 1874, amounting in the aggregate to \$1,372,000. The bonds falling due subsequently, viz: 1878, 1879, 1880 and 1881, being comparatively small in amount each year, should be met out of the taxes during those years. The debt of nearly four millions, fastened upon us by the legislation of 1866, we must expect to carry by promptly meeting the interest for at least twenty years longer, until the increased value of our resources, under careful and economical governmental management, will enable us to raise a sufficient amount to meet a large part of the principal annually, without increasing the present low rate of taxation.

By the rapid construction of railroads through sections of our State not heretofore supplied with convenient and speedy means of transportation, the increase in the value of real estate has been very considerable. The increase during last year, as shown by the returns of April, 1869, and April, 1870, in Fulton county alone, has been two millions of dollars, and this increase will continue throughout the State in a still greater ratio after the railroads now in progress shall have been completed.

We may safely estimate the taxable value of real estate for the year 1880 at FIVE HUNDRED MILLIONS OF DOLLARS. This will place us upon a basis where, with economical legislation and administration, the public debt can be gradually absorbed, without increasing the rates of taxation.

Our debt is comparatively very small, being only \$6,014,500, and has not been increased since 1867. We have

State property that would now sell at auction for more than twelve millions of dollars ; so that there can be no question or doubt as to the solvency of the State.

RUFUS B. BULLOCK.

Mr. Bryant moved a suspension of the rules for the purpose of introducing a resolution in relation to the exercise of the pardoning power before conviction.

The motion did not prevail.

Mr. Rice moved a suspension of the rules for the purpose of reading bills the second time.

The motion prevailed.

The following bills were 'read the second time and referred to the Committee on Corporations, to-wit :

A bill to authorize Trustees of Le Vert College to convey the same to the South Georgia Conference.

A bill to incorporate Protection Hook and Ladder Company, No. 1, of Talbotton.

A bill to incorporate the town of Butler, in the county of Taylor.

A bill to authorize the Central Railroad and Banking Company of Georgia to straighten its line of railroad, etc.

A bill to provide for levying a tax upon property of the Central Railroad and Banking Company, in the county of Bibb, for county purposes.

A bill to incorporate the town of Rutledge, and for other purposes.

A bill to extend the corporate limits of the city of Bainbridge, and for other purposes therein mentioned.

A bill to forfeit the franchises of Nelson Tift and others to erect a toll-bridge, or ferry, at or near Albany, in Dougherty county, etc.

A bill to amend the charter of the city of LaGrange, and confer additional powers upon the Mayor and Council of said city.

A bill to incorporate the town of Hiwassee, in the county of Towns, and to appoint officers for the same.

A bill to supersede and take the place of "an act to incorporate the town of Blackshear, in the county of Pierce," approved December 16, 1859, and acts amendatory thereof, assented to December 19, 1860.

A bill to incorporate Van Wert, in the county of Polk, and to appoint commissioners for the same, and for other purposes therein mentioned.

A bill to incorporate the Commercial Bank and Trust Company of Savannah.

A bill to empower the Mayor and Council of the city of Atlanta to establish and maintain a system of public schools within said city, and for other purposes.

The following bill, offered yesterday by Mr. Osgood, and overlooked, was, on his motion, taken up and read the first time, to-wit :

A bill to incorporate the Policy Holders' Life and Tontine Assurance Company of the South.

The following bills were read the second time and referred to the Committee on the Judiciary, to-wit :

A bill to amend and declare void the sale of the courthouse and other public property of the county of Bibb.

A bill to amend an act entitled "an act to prohibit the sale and purchase of agricultural products in the counties of Lowndes and Macon," etc.

A bill to create a standard weight for cotton seed.

A bill to declare or amend the law of homestead and exemptions.

A bill to compel the owners of stock to prevent the same running at large in Cobb county.

A bill to prohibit persons from grazing stock in the county of Towns who are not residents of this State.

A bill for the better securing and enforcing the payment of wages or compensation due to agricultural laborers.

A bill to prohibit the further violation of section 29, article 1, of the Constitution of the State of Georgia.

A bill to relieve the members of the Screven Hose Company of Savannah from jury and militia duty, etc.

A bill to incorporate the Forest City Mutual Loan Association of Savannah.

A bill to relieve from tax *fi. fas.* certain property.

A bill to authorize James O. Martin and Isaiah A. Tillman, executors of the last will and testament of Matthew Young, to settle with, etc., Silas M. Young, a minor and legatee of said will, etc.

A bill to change the time of holding the Superior Courts of Wayne county.

A bill to make it a misdemeanor to purchase undried crops from tenants without consent of landlords.

A bill to make penal the delivery and reception of agricultural products after night, in the county of Brooks, under sale, barter or otherwise, and for other purposes.

A bill to prevent the obstruction of Buck Creek, in the counties of Schley and Macon.

A bill to constitute Robert McNad an heir of Green L. Smith, of the county of Walker.

A bill to regulate proceedings in cases in the Superior Court.

A bill to change the name of Charles H. Paris to Charles H. Alston, and legitimatize the same.

A bill for the relief of the Union Branch Railroad Company.

A bill to amend an act, approved October 3, 1868, to provide for the setting apart a Homestead of Realty and Personalty.

A bill to legalize and make valid the sale of certain property belonging to the Eatonton Manufacturing Company.

A bill to amend an act, approved October 3, 1868, to provide for setting apart a Homestead of Realty and Personalty.

A bill providing for the inspection of steam-boilers in this State, and for the appointment of Inspector-in-Chief and deputy inspectors, and for other purposes.

A bill to preserve the peace and harmony of the people of Georgia.

A bill to create a board of commissioners for each county.

A bill to amend the 1648th section of Irwin's Revised Code of Georgia.

A bill to repeal the eighth paragraph of the second section of the Tax Act of 1869, and for other purposes.

A bill to repeal part of the 796th section of the Revised Code of Georgia.

A bill to authorize the Comptroller-General of this State to procure an official seal, and to establish the same.

The bill to establish a uniform system of Common Schools and a University in this State was read the second time, referred to the Committee on Education, and, on motion of Mr. Turner, two hundred copies thereof ordered to be printed for the use of the House.

The following bills were read the second time and referred to the Committee on Finance, to-wit:

A bill for the relief of Mrs. H. S. Camak, of Clark county.

A bill to allow the Tax Collector for the county of Calhoun to turn over to the Ordinary of said county certain taxes, etc.

A bill to empower the Mayor and Council of Marietta to levy a tax.

A bill to allow Wm. H. Howard to peddle without paying license.

A bill to amend an act entitled "an act to incorporate the Augusta and Hartwell Railroad Company."

A bill for the relief of Lester Markham, and for other purposes.

A bill authorizing Owen Roach to peddle without paying tax.

A bill to incorporate the Barnwell, Millen & Albany Railroad Company.

A bill to loan the credit of the State to the Marietta & North Georgia Railroad Company.

A bill to enable John J. Dickey, of the county of Henry, to peddle in this State without license.

A bill to extend the aid of the State to the Fort Valley & Hawkinsville Railroad Company, and for other purposes.

A bill to amend the charter of the city of Atlanta.

On motion of Mr. Hall of Glynn the bill for the relief of L. W. Hazlehunt, of the county of Wayne, reported back to the House this day by the Judiciary Committee, was recommitted to the Committee on Finance, to which a petition explanatory of the bill had been previously referred.

The following message was received from the Senate, through Mr. Mills, their Secretary:

Mr. Speaker:

The Senate refuses to concur in the House resolution to refer the report of the joint committee appointed to investigate the condition of the Georgia Penitentiary to a joint committee, etc.

The following bills were read the second time and referred to the Committee on Agriculture and Internal Improvement, to-wit:

A bill to repeal "an act to encourage immigration into the State of Georgia."

A bill to authorize the Ordinaries and road commissioners of the several counties to classify the public roads of the several counties.

A bill to incorporate the Americus & Florence Railroad Company, and for other purposes.

A bill to regulate the sale of liquors in this State.

A bill to enable the owners of mines to drain their mines and to carry off the water, etc., through the land of others.

A bill to appoint commissioners to ascertain the location of certain lots in Brunswick, and for other purposes.

Mr. Bryant moved that when the House adjourn this day at 1 o'clock P. M., it do adjourn to meet at 4 P. M., and adjourn again at 6 P. M., devoting the afternoon session to reading bills the second time.

Mr. Scott proposed to amend by providing that the hours for meeting and adjournment shall be as follows : meet at 10 A. M. and adjourn at 1 P. M.; meet at 8 P. M.

Mr. Tumlin offered the following as a substitute for the original motion and proposed amendment :

WHEREAS, It will be impossible for the House to dispose of matter now introduced, and which will be introduced, without more than one session per day ;

Be it resolved, That from and after the passage of this resolution, this House shall have two sessions per day : one commencing at 10 o'clock A. M. and ending at 1 o'clock P. M.; the other from 8 o'clock P. M. until 10 o'clock P. M.

The same was accepted by Mr. Scott.

On motion of Mr. Goodwin the original motion and substitute were laid on the table.

The bill to incorporate the Pulaski Manufacturing Company, of Hawkinsville, Georgia, was read the second time and referred to the Committee on Manufactures.

The bill to incorporate the Cuthbert Banking, Loan and Trust Company was read the second time and referred to the Committee on Banks.

The following bills were read the second time and referred to the Committee on New Counties and County Lines, to-wit :

A bill to change the lines between the counties of Randolph and Calhoun.

A bill to change the lines between the counties of Stewart and Webster.

A bill to annex the county of Hancock to the Ocmulgee, and the county of Glascock to the Middle Circuit.

A bill to change the line between the counties of Cherokee and Pickens.

Mr. Johnson of Forsyth offered the following resolution :

Resolved, That the regular sessions of this House be from 9 A. M. to 12 M., and from 4 P. M. to 6 P. M.

On motion of Mr. Costin the same was laid on the table.

Leave of absence was granted Mr. Pepper for a few days on account of sickness in his family.

The Speaker declared the House adjourned until 10 o'clock A. M. to-morrow.

WEDNESDAY, August 3, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Dr. Brantly.

The call of the roll was dispensed with.

The Journal was read and approved.

Mr. Hall of Meriwether moved a suspension of the rule for the purpose of taking up for third reading the following bills, reported back to the House favorably by the Finance Committee, on yesterday, to-wit:

A bill to incorporate the Newnan & Americus Railroad Company, and to extend the aid of the State to the same.

A bill to lend the credit of the State to the Memphis Branch Railroad Company, and to amend the charter of the same, and for other purposes.

A bill to incorporate the North & South Railroad Company, and to grant the aid of the State to the same.

Mr. Cleghorn moved to amend the motion of Mr. Hall by taking up also a bill to incorporate the North Georgia & Tennessee Railroad Company, the same having been reported back to the House by the Committee on Corporations, with amendments.

The amendment was received, and the motion to suspend the rules prevailed.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have passed the following bills, in which they ask the concurrence of the House :

A bill to be entitled an act to legalize the processes issued by the Clerks of the Superior Courts of the Atlanta Circuit, and for other purposes.

A bill to be entitled an act to change the time of holding the Superior Court for the county of Marion.

A bill to be entitled an act to fix the salaries of the Judges of the Supreme and the Judges of the Superior Courts of the State of Georgia.

A bill to be entitled "an act to change the time of holding the Superior Courts of the Atlanta Circuit."

And I am directed to transmit the same forthwith to the House of Representatives.

Mr. Tumlin offered the following resolution, which was taken up, read and agreed to, to-wit :

Resolved, That a seat on this floor be tendered Hon. J. T. Clark.

The following message was received from his Excellency the Provisional Governor, through Mr. Atkinson, his Secretary, to-wit :

Mr. Speaker :

I am directed by his Excellency the Provisional Governor to deliver to the House of Representatives a communication in writing with accompanying document :

On motion of Mr. O'Neal of Lowndes the foregoing communication was taken up and read, as follows :

ATLANTA, August 2, 1870.

To the General Assembly :

I transmit herewith the report made by the Superintendent of Public Works, in regard to the obstructions in the Coosa River, near Rome.

In addition to the valuable information contained in the report, to which your favorable attention is invited, I learn that two first-class river boats are now navigating the river, and that a third is being constructed. The capacity of these boats is sufficient for two thousand bushels of wheat each trip, but not more than two hundred bushels can be floated over the obstructions.

The land in the valley of the Coosa is very rich and under good cultivation. By a comparatively small outlay, this whole grain and iron-producing region can be made to pour its valuable products through our State and over our own railroad.

The opinion expressed in the report is fully sustained by that of the oldest practical steamboat men on the river, and is, I believe, entitled to full credit for its practicability.

While I could not recommend a general system of State aid by direct advances from the Treasury, this seems to be a case where it would not only be good policy but wise economy to authorize the expenditure of ten thousand dollars, or so much thereof as may be necessary to remove the obstructions from the Coosa River, and thus add a long and valuable water line as an additional feeder to our great State Railroad.

I, therefore, respectfully recommend the appropriation of the sum of ten thousand dollars, or so much thereof as may be necessary to remove the obstructions in the Coosa River, and also the election or appointment of three practical and reliable gentlemen as a board of commissioners, under whose authority the work should be conducted, and the appropriation expended.

RUFUS B. BULLOCK.

OFFICE SUPERINTENDENT PUBLIC WORKS,
ATLANTA, GA., December 1, 1869.

His Excellency R. B. BULLOCK, Governor of Georgia:

GOVERNOR—In obedience to your order, communicated to me on the 28th of September last, I proceeded to Rome and made as thorough an examination of the Coosa River as the circumstances of the case would admit. The water in the river at that time was at a very low stage, and the obstructions clearly visible. The shoal (known as Horse-Leg Shoal, and to which my attention was more particularly directed,) is situated about one and a half miles below the city of Rome. It consists of three ledges of rock crossing the river in a direction nearly at right angles with the axis of the river bed, and filling a space of about six hundred yards. Above and below the shoal the water deepens rapidly to ten feet, while upon the upper ledge there were only twenty-two inches. Between the ledges the water again deepened to three feet, but the channel is obstructed by boulders, partially fixed, which render the navigation tedious and dangerous. The great difficulty, however, is met with at the lower reef, where the water, being confined by wing dams, renders the current so rapid that warping has to be resorted to. These dams were constructed for the purpose of deepening the water at this point sufficient to admit the passage of boats with about half their ordinary amount of freight. The river is divided at the shoals by a small island, into two channels, the larger of which is about three hundred feet wide, while the lesser is not more than half that width. An attempt was made some years ago to turn the whole river into the lesser channel by building a dam across the main channel at the upper end of the island. This was found to answer indifferently well for awhile, but the river at the lower end of the island began gradually filling with drift and gravel, and finally resulted in almost effectually closing the navigation. The dam was therefore removed, and the lesser channel closed up.

Could a uniform depth of three feet be obtained across

this shoal, it would be sufficient for all practical purposes, and I am clearly of opinion that this can be accomplished by clearing the obstructions out of the main channel, and at a cost that will be insignificant, when compared with the good that will result therefrom. For one hundred and fifty miles below the city of Rome the Coosa River traverses a country rich in mineral and agricultural productions, and this great trade finds its way into Georgia, and over her railroads to the seaboard.

While making the examination referred to I was informed by gentlemen engaged in the trade that more than six hundred tons of freight were awaiting transportation on the river, and this great accumulation had resulted from the fact that, owing to the low stage of water, steamers plying upon the river had been compelled to reduce their cargoes to one-half their usual capacity. That this trade is destined to pass through Georgia, and over the State Road, so long as there is no other outlet, is true, but other outlets will not long be wanting, and then the rich products of the Coosa Valley will pass away from Georgia, and seek other and more speedy channels. Should these improvements be made the probability is that the trade of all that portion of Alabama drained by the upper Coosa will be permanently secured, because experience teaches that railroads can never be brought into successful competition with a free, unobstructed and expeditious water transportation.

In the absence of an accurate survey, I am unable to submit detailed estimates of the cost of this work, but would respectfully recommend that the sum of ten thousand dollars, or so much thereof as may be found necessary, be appropriated for this purpose.

I am, sir, very respectfully,

B. W. FROBEL,
Superintendent Public Works.

On motion of Mr. Williams of Morgan the foregoing communication and accompanying report were referred to the Committee on Agriculture and Internal Improvement.

Mr. Tweedy, chairman on the part of the House of the joint special committee to consider the capitol building question, made the following report, which was read, to-wit :

To the Senate and House of Representatives :

The joint committee of the Senate and House of Representatives, appointed to consider and report upon the message of his Excellency the Governor, transmitting a communication from the City Council in relation to the capitol building, have examined the action of the joint committee appointed by the General Assembly of 1869, have conferred with the present City Council, and beg leave to report as follows, to-wit :

That they have had several interviews with the City Council, and, with a view to the final settlement of matters and issues involved in the subject committed to them, the City Council have made a proposition in writing, which is herewith submitted, the substance of which is, that the city will donate to the State one hundred and thirty thousand dollars, to apply as part payment for the purchase by the State of the building now used as a capitol.

The questions involved in this proposition, in the opinion of this committee, warranted them in taking whatever steps would best secure the interests of the State, which seemed to be—

First. What the entire property had actually cost.

Second. At what price and upon what terms the property could be purchased.

Third. What income could be derived to the State from rents of such portions of the building as would not be required for State purposes.

Fourth. In what way could the State secure the return of the \$54,500 advanced by his Excellency Governor Bullock to the Messrs. Kimball, for heating, lighting, etc.

In answer to these several propositions we learn :

First. That the value of the property, including land, building, heating and lighting apparatus, and all furniture and fixtures now in use by the several departments of State, which has been largely increased by completion

and addition, and enhanced value since 1869, is \$395,000.

Second. That the entire property above referred to can be purchased for the sum of three hundred and eighty thousand dollars, payable as follows: One hundred and thirty thousand dollars in the bonds of the city of Atlanta, and two hundred and fifty thousand dollars in the seven per cent. bonds of the State of Georgia, upon the delivery of which to the Messrs. Kimball they will return to his Excellency Governor Bullock the \$54,500 advanced by him to them.

We herewith submit the proposition of the Messrs. Kimball, made in writing, to the committee.

Third. From the evidence submitted to us, we believe the income to the State from the rental of rooms in the building, not used or required for State purposes, will be from \$15,000 to \$20,000 per annum, and that the rental value of these rooms will be continually increasing.

Your committee, after a full and careful investigation and consideration of the following facts, have come to the following conclusions:

First. That the question of the location of the capitol is practically already settled; but that until the State owns and controls absolutely a capitol building of her own, in the city of Atlanta, the subject of removal will continue to be agitated, from time to time, to the great expense of the State and annoyance of the citizens thereof, many thousands of dollars having already been expended in the discussion of the subject.

Second. That the proposition of the city of Atlanta should be accepted, and that it will meet the views of the people of Georgia upon this subject.

Third. That in view of the present income derived from the property, its location, present and prospective value for business purposes, the price asked for it is only just and reasonable.

Fourth. That the rents from such portions of the building as will not be required for State purposes will more than cancel the interest upon the bonds of the State, which may be issued for the purchase of the entire property,

thereby giving the State of Georgia, free of cost to herself, not only for ten years, but as long as she chooses to occupy it as such, a capitol which, in point of elegance, comfort and convenience, is not surpassed by the capitol of any State in the Union, and one that could not be built and furnished by the State for less than \$500,000.

Fifth. That if at any future time the State should determine to dispose of the property, it could readily do so at a very large profit.

We therefore recommend the passage of the following resolutions :

1. *Resolved*, That the proposition of the city of Atlanta to donate the bonds of the city to the amount of one hundred and thirty thousand dollars ; any ten acres of unoccupied land within the corporate limits of the city, and to furnish, free of cost to the State, a mansion suitable for the use of his Excellency the Governor for the term of ten years ; in lieu of her present contract with the State, to furnish the capitol building for the term of ten years, be, and is hereby, accepted.

2. *Resolved*, That the proposition of the Messrs. Kimball for the sale to the State of the capitol building, and the fixtures, furniture, etc., be, and is hereby, accepted.

3. *Resolved*, That a committee of one from the Senate and one from the House of Representatives be appointed to examine into the title, and arrange all the details, upon the basis of the propositions of the Messrs. Kimball and the City Council ; and, on the application of said committee, the Governor be, and he is hereby, authorized to issue to the Messrs. Kimball seven per cent. bonds of the State, having twenty years to run, reserving, in his possession, a sufficient amount of said bonds to secure the return to the State of the \$54,500 paid by his Excellency the Governor to the Messrs. Kimball ; and it shall be the duty of said

committee to see that the said amount of \$54,500 is returned to the State.

JOHN HARRIS,
Chairman Senate Committee.
WALTER T. MCARTHUR,
T. G. CAMPBELL.

EPHRAIM TWEEDY,
Chairman House Committee.
JAMES E. GULLATT,
W. R. BELL,
R. M. PARKS,
W. S. ZELLARS,
A. COLBY,
VIRGIL HILLYER.

—

COUNCIL CHAMBER,
ATLANTA, August 1, 1870.

Hon. E. Tweedy, Chairman:

DEAR SIR—The Mayor and Council of Atlanta desire to express to you, and through you to the General Assembly of Georgia, an earnest willingness on the part of the city to fully comply with the contract with the Constitutional Convention. Not only the *letter* but the *spirit* of this contract. But it was so brief as to be susceptible of various constructions, as has been evinced by the many discussions which have been had upon the subject. Now, therefore, to the end that this matter may be fully, finally and satisfactorily settled, the Mayor and Council are disposed to accede to the request of your committee, and hereby respectfully propose to donate, or issue, one hundred and thirty thousand dollars in the bonds of the city, to be used in the purchase, by the State, of the building now used as a State Capitol. The property, when so purchased, to become absolutely the property of the State; also, to donate any unoccupied ten acres of land within the corporate limits that may be selected by the General Assembly,

to be used for capitol purposes; also to furnish, free of cost to the State, a mansion suitable for the use of his Excellency the Governor of this State, for the term of ten years from June 1, 1868.

The object of the city in being thus liberal is solely to permanently locate the capitol in this city; they desire, therefore, to have it understood, that in case the capitol should be removed from Atlanta, that then the ten acres of land referred to should revert to the city; also, the bonds—or their equivalent—of the city used in the purchase of the building referred to shall be returned to the city.

Resolved, That the foregoing proposition be adopted and spread upon the minutes of the Council, and a copy of the same transmitted to Hon. E. Tweedy, Chairman.

EVAN P HOWELL,
A. MURPHY,
D. C. O'KEEFE,
V DUNNING,
Committee of Council.

OFFICE OF H. I. KIMBALL,
ATLANTA, GEORGIA, July 27, 1870.

Hon. W T McArthur, Chairman:

DEAR SIR—Replying to the inquiries of your committee, upon what terms I will dispose of the building known as “Kimball’s Opera House,” including all the heating and lighting apparatus, and all the furniture and fixtures in use by the State in said building, also all fixtures in the post office, I have the honor to inform you that I will sell the entire property, as before mentioned, for the sum of three hundred and eighty thousand dollars, payable as follows: one hundred and thirty thousand dollars in the bonds of the city of Atlanta, and two hundred and fifty thousand dollars in the seven per cent. bonds of the State of Georgia. Should this be accepted, I pledge myself to return to the State the amount advanced me on account of

the heating, lighting, etc., by his Excellency Governor Bullock, viz: fifty-four thousand five hundred dollars.

Having verbally explained to your committee the cost and condition of the building and fixtures, I do not deem it necessary to refer to that matter in this communication.

Respectfully yours,

H. I. KIMBALL.

On motion of Mr. Goodwin five hundred copies of the foregoing report were ordered to be printed for the use of the House.

The bill to incorporate the Newnan & Americus Railroad was, on motion of Mr. Hall of Meriwether, made the special order for Monday next.

The House took up the report of the committee on the bill to be entitled an act to incorporate the North & South Railroad Company of Georgia, from the city of Rome to the city of Columbus; to grant certain powers and privileges to the same, and to grant the guaranty and endorsement of the State of Georgia upon the bonds of said company, and for other purposes.

Mr. Phillips moved to amend the same by striking out the 13th section.

Mr. Fitzpatrick called for the previous question, which was sustained.

The main question was put, to-wit: The motion to amend by striking out the 13th section.

Upon this proposition Mr. Darnell required the yeas and nays to be recorded.

Those voting in the affirmative are Messrs.—

Brown,	Harden,	Phillips,
Barnes,	Haren,	Prudden,
Bradford,	Harper of Terrell,	Reid,
Carpenter,	Harrison of Hancock,	Rawles,
Clower,	Joiner,	Richardson,
Cloud,	Johnson of Forsyth,	Rumph,
Franks,	Linder,	Sewell,
Ford,	Moore,	Saulter,
Fryer,	McArthur,	Smith of Muscogee,
Gardner,	Neal,	Turnipseed,
Holcombe,	O'Neal of Lowndes,	Vinson,
Holden,	O'Neal of Baldwin,	Wilcher.
Houston,		

Those voting in the negative are Messrs.—

Atkins,	Gober,	Porter,
Armstrong,	Golden,	Powell,
Anderson,	Gray,	Perkins of Dawson,
Allen of Jasper,	Guilford,	Perkins of Cherokee,
Bell,	Hillyer,	Rice,
Bethune,	Higdon,	Rosser,
Brewster,	Harkness,	Rogers,
Barnum,	Hutchings,	Strickland,
Ballanger,	Hook,	Simms,
Bryant,	Humber,	Stone,
Buchán,	Harris of Murray,	Sisson,
Campbell,	Harper of Sumter,	Shumate,
Clark,	Harrison of Franklin,	Shackleford,
Caldwell,	Hall of Meriwether,	Scott,
Cleghorn,	Hall of Glynn,	Scroggins,
Cobb,	Jackson,	Smith of Charlton,
Colby,	Lee,	Tweedy,
Cunningham,	Matthews,	Thomason,
Darnell,	Maull,	Turner,
Duncan,	McDougald,	Tumlin,
Ellis,	McCormick,	Tate,
Erwin,	Nash,	Walthall,
Evans,	Nesbitt of Gordon,	Welchel,
Felder,	Osgood,	Warren of Quitman,
Floyd,	Page,	Williams of Harris,
Fowler,	Parks,	Williams of Haralson,
Fincannon,	Price,	Williams of Morgan,
Goodwin,	Paulk,	Zellars.

Yeas 37

Nays 84.

So the motion to amend by striking out the 13th section did not prevail.

Mr. Williams of Morgan moved to amend by adopting the following as an additional section :

That aid shall be granted to this, and all other roads, when they shall have complied with the provisions of the bill granting State aid to the Georgia Air-Line Railroad, and on no other condition. And that no railroad company, whose bonds have been, or may hereafter be, endorsed by the State, shall pay more than the market value for any property or material purchased, or more than other roads

in successful operation pay for the same; and a violation of this section shall at once forfeit all claim for State aid.

Mr. Williams, by request, withdrew his proposed amendment, and called for the previous question, which was sustained.

The main question was put, and the report of the committee agreed to.

The bill was read the third time.

Upon the question of its passage the yeas and nays were recorded.

Those voting in the affirmative are Messrs.—

Atkins,	Golden,	Porter,
Armstrong,	Gray,	Powell,
Anderson,	Guilford,	Perkins of Dawson,
Allen of Jasper,	Hillyer,	Perkins of Cherokee,
Bell,	Higdon,	Rice,
Bethune,	Holcombe,	Rosser,
Brewster,	Houston,	Rogers,
Barnum,	Hamilton,	Strickland,
Ballanger,	Harkness,	Simms,
Bryant,	Hutchings,	Stone,
Buchan,	Hook,	Sisson,
Campbell,	Hooks,	Shumate,
Clark,	Humber,	Shackleford,
Caldwell,	Harris of Murray,	Scott,
Cloud,	Harper of Sumter,	Scroggins,
Cleghorn,	Harrison of Franklin,	Smith of Charlton,
Cobb,	Hall of Meriwether,	Smith of Muscogee,
Costin,	Hall of Glynn,	Tweedy,
Colby,	Jackson,	Thomason,
Cunningham,	Lee,	Turner,
Darnell,	Matthews,	Tumlin,
Duncan,	Maull,	Tate,
Ellis,	McDougald,	Walthall,
Erwin,	McCormick,	Welchel,
Fitzpatrick,	Nash,	Warren of Burke.
Franks,	Nesbit of Gordon,	Warren of Quitman,
Felder,	Osgood,	Williams of Harris.
Floyd,	Page,	Williams of Haralson,
Fowler,	Parks,	Williams of Morgan,
Fincannon,	Price,	Zellers.
Gober,	Paulk,	

Those voting in the negative are Messrs.—

Brown,	Haren,	O'Neal of Baldwin,
Bradford,	Harper of Terrell,	Phillips,
Carpenter,	Harrison of Hancock,	Prudden,
Clower,	Joiner,	Reid,
Ford,	Johnson of Forsyth,	Richardson,
Fryer,	Lindsey,	Saulter,
Goodwin,	Moore,	Turnipseed,
Gardner,	McArthur,	Vinson,
Holden,	Neal,	Wilcher.
Harden,	O'Neal of Lowndes,	

Yeas 92.

Nays 29.

So the bill was passed.

On motion of Mr. Tumlin the Clerk was directed to transmit the same forthwith to the Senate.

Mr. O'Neal, chairman of the Judiciary Committee, submitted the following report :

Mr. Speaker :

The Judiciary Committee have had under consideration the following bills :

A bill to be entitled an act to alter and amend the third paragraph of section 1969 of Irwin's Code of Georgia, which they recommend do pass.

A bill to be entitled an act to create a board of commissioners of roads and revenue in the county of Glynn, which they recommend do pass as amended.

A bill to be entitled an act for the relief of John A. Walden, of the county of Lee, which they recommend do pass.

A bill to be entitled an act to repeal all laws enacted by the General Assembly of the State of Georgia, abrogating, or in any wise rendering the statute of limitation ineffective, which they recommend do not pass.

A bill to be entitled an act providing that there shall be no appeal from one jury of the City Court of Augusta to another, and for other purposes, which they recommend do pass as amended.

A bill to be entitled an act to alter and change the laws of the State in relation to the manner of collecting the taxes of this State, so far as relates to the county of Talbot, and to allow the same to be collected at the Tax Collector's office at the county site of said county, which they recommend do pass.

A bill to be entitled an act to amend the homestead law of this State, which they recommend do not pass.

A bill to be entitled an act to point out the mode of paying the fees of the Solicitor-General of the Tallapoosa Judicial Circuit, and for other purposes therein mentioned, which they recommend do not pass.

A bill to be entitled an act to repeal an act to provide for the levying and collecting of a tax for the payment of cash due to Clerks and Sheriffs in insolvent criminal cases in certain counties therein mentioned, approved September 28, 1868, which they recommend do pass as amended.

A bill to be entitled an act to carry into effect the true intent and meaning of the third paragraph of the fifth article of the Constitution of this State, so far as relates to the filing of defense on oath in all civil cases founded on contract, and to authorize such defense to be verified by the oath of attorney or agent of the defendant, which they recommend do pass.

JOHN W O'NEAL, Chairman.

Mr. Hamilton, chairman of the Committee on Corporations, made the following report:

Mr. Speaker:

The Committee on Corporations have had under consideration the following bills, to-wit:

A bill to extend the corporate limits of the city of Bainbridge, and for other purposes therein mentioned.

A bill to incorporate the town of Euharlee, in the county of Bartow, and to appoint commissioners, and for other purposes.

A bill to incorporate the town of Clarksville, in the county of Habersham; to appoint commissioners for the same, etc.

A bill to incorporate the Empire State Works.
A bill to incorporate the Elgin Slate Company.
All of which the committee recommend do pass.

W D. HAMILTON,
Chairman Committee on Corporations.

Mr. Price, chairman of the Committee on Agriculture and Internal Improvements, submitted the following report:

Mr. Speaker :

The Committee on Agriculture and Internal Improvements have had under consideration the following bills, to-wit:

A bill to be entitled an act to incorporate the Ringgold & Cooper's Gap Railroad Company, and to extend the aid of the State to said company, and for other purposes, for which they recommend the accompanying substitute.

A bill to be entitled an act to amend an act incorporating the Ocmulgee River Railroad, and for other purposes therein mentioned, passed March 22, 1864, and to change the name thereof, and to loan the credit of the State to the Ocmulgee & North Georgia Railroad Company, and to grant telegraphic facilities, which they recommend do pass as amended.

W P PRICE, Chairman.

Mr. Williams of Morgan moved a suspension of the rules for the introduction of a resolution fixing the hours for meeting and adjournment.

The motion did not prevail.

Mr. Darnell moved an extension of the morning session this day for thirty minutes.

The motion was lost.

Mr. Tweedy moved to take up the Senate resolutions on the subject of an election in this State, for the purpose of making them the special order for to-morrow morning at 10 o'clock.

Mr. Lee proposed to amend the motion of Mr. Tweedy by substituting for "to-morrow morning, 10 o'clock," 10 o'clock A. M. Thursday the 11th instant.

The rules were suspended, and the amendment of Mr. Lee agreed to as a substitute for the original proposition.

Mr. Cobb, by permission of the House, withdrew a bill to amend the charter of the city of Americus.

The hour of adjournment arrived, and the Speaker declared the House adjourned until 10 o'clock A. M. to-morrow.

THURSDAY, August 4, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Dr. Brantly.

The call of the roll was dispensed with.

The Journal was read and approved.

Mr. Hall of Meriwether moved a reconsideration of so much thereof as relates to the action of the House on yesterday, making the bill to incorporate the Newnan & Americus Railroad Company, and to extend the aid of the State to the same, the special order for Monday next.

The motion to reconsider prevailed.

Mr. Simms moved a reconsideration of so much of the Journal as relates to the action of the House on yesterday, making the Senate resolutions on the subject of election the special order for Thursday next, the 11th instant.

Upon this motion Mr. Bryant called the previous question, which was not sustained.

After further debate Mr. O'Neal of Lowndes called for the previous question, which was sustained.

The main question was put.

Upon this Mr. Bryant required the yeas and nays to be recorded.

Those voting in the affirmative are Messrs.—

Atkins,
Allen of Jasper,
Bell,

Barnes,
Bradford,
Buchan,

Campbell,
Clower,
Costin,

Colby,	Harris of Glascock,	Porter,
Cunningham,	Harrison of Franklin,	Powell,
Darnell,	Harrison of Hancock,	Perkins of Dawson,
Ellis,	Hall of Meriwether,	Reid,
Fitzpatrick,	Joiner,	Rice,
Floyd,	Jackson,	Rogers,
Goodwin,	Johnson of Forsyth,	Richardson,
Golden,	Linder,	Simms,
Gardner,	Lindsey,	Stone,
Guilford,	Madden,	Saulter,
Hillyer,	Madison,	Smith of Charlton,
Holcombe,	Maull,	Smith of Muscogee,
Holden,	Moore,	Tweedy,
Houston,	McCormick,	Thomason,
Harden,	Nesbit of Gordon,	Turner,
Haren,	O'Neal of Lowndes,	Warren of Burke,
Hughes,	O'Neal of Baldwin,	Williams of Harris.
Hutchings,	Page,	

Those voting in the negative are Messrs.—

Armstrong,	Higdon,	Reddish,
Anderson,	Hamilton,	Rosser,
Brewster,	Hook,	Rawles,
Brown,	Harris of Murray,	Rumph,
Barnum,	Harper of Sumter,	Strickland,
Ballanger,	Harper of Terrell,	Sisson,
Bryant,	Harris of Franklin,	Shumate,
Caldwell,	Hall of Glynn,	Shackleford,
Cloud,	Kyle,	Scott,
Cleghorn,	Lee,	Sorrells,
Cobb,	Matthews,	Tumlin,
Duncan,	McArthur,	Tate,
Erwin,	McDougald,	Turnipseed,
Felder,	Neal,	Vinson,
Fowler,	Nash,	Walthall,
Ford,	Osgood,	Wilcher,
Fryer,	Parks,	Welchel,
Fincannon,	Price,	Warren of Quitman,
Gober,	Paulk,	Williams of Haralson,
Gray,	Phillips,	Williams of Morgan.
Gullatt,	Perkins of Cherokee,	

Yeas 62.

Nays 62.

Mr. Scroggins paired off with Mr. Johnson of Towns.

Mr. Carson paired off with Mr. Seale of Pike.

Mr. Harkness paired off with Mr. Allen of Hart.

Mr. Hooks paired off with Mr. Pepper of Calhoun.
 Mr. Maxwell paired off with Mr. Rainey of Calhoun.
 Mr. Watkins paired off with Mr. Hall of Bulloch.

The Speaker announced that upon the counting of the vote by the Clerk, it appeared that there are yeas 62 and nays 62. That "in order to get this question behind us," he gave the casting vote in the affirmative.

Mr. Scott gave notice that he had discovered an error in the addition of the foregoing vote, and also an omission which would affect the result announced, and moved that the vote be corrected.

Mr. O'Neal of Lowndes rose to a point of order, assuming that until the complete verification of the vote, and final decision thereon, it was competent for members not present when their names were called to have their votes recorded. In connection with this point of order he moved that the vote of Mr. Johnson of Spalding be recorded, Mr. Johnson requesting the same.

The Speaker decided that the vote was closed from the time of his announcement of the result, and that, therefore, the motion of Mr. O'Neal could not be entertained.

From this decision, Mr. O'Neal took an appeal, which was afterwards withdrawn.

Mr. Tweedy moved that the House adjourn to 10 o'clock A. M. to-morrow.

Upon this motion Mr. Sisson required the yeas and nays to be recorded.

Those voting in the affirmative are Messrs.—

Atkins,	Fitzpatrick,	Hughes,
Allen of Jasper,	Floyd,	Hutchings,
Bell,	Goodwin,	Harris of Glascock,
Barnes,	Golden,	Harrison of Hancock,
Campbell,	Gardner,	Hall of Meriwether,
Clower,	Guilford,	Joiner,
Costin,	Hillyer,	Jackson,
Colby,	Holcombe,	Johnson of Spalding,
Cunningham,	Houston,	Johnson of Forsyth,
Ellis,	Haren,	Linder,

Lindsey,	O'Neal of Baldwin,	Stone,
Madden,	Page,	Smith of Charlton,
Madison,	Porter,	Smith of Muscogee,
Maxwell,	Powell,	Tweedy,
Mauil,	Perkins of Dawson,	Thomason,
Moore,	Reid,	Turner,
McCormick,	Rogers,	Warren of Burke,
Nesbitt of Gordon,	Richardson,	Williams of Harris.
O'Neal of Lowndes,	Simms,	

Those voting in the negative are Messrs.—

Armstrong,	Higdon,	Rice,
Anderson,	Harden,	Reddish,
Brewster,	Hamilton,	Rosser,
Brown,	Harkness,	Rawles,
Barnum,	Hook,	Rumph,
Ballanger,	Harris of Murray,	Strickland,
Bryant,	Harper of Sumter,	Saulter,
Bradford,	Harper of Terrell,	Sisson,
Carpenter,	Harrison of Franklin,	Shumate,
Caldwell,	Hall of Glynn,	Shackleford,
Cloud,	Kyle,	Scott,
Cleghorn,	Lee,	Sorrells,
Cobb,	Matthews,	Tumlin,
Duncan,	McArthur,	Tate,
Erwin,	McDougald,	Turnipseed,
Evans,	Neal,	Vinson,
Felder,	Nash,	Walthall,
Fowler,	Osgood,	Wilcher,
Ford,	Price,	Welchel,
Fryer,	Paulk,	Warren of Quitman,
Fincannon,	Phillips,	Williams of Haralson,
Gray,	Prudden,	Williams of Morgan,
Gullatt,	Perkins of Cherokee,	Zellars.

Yeas 56.

Nays 69.

So the motion to adjourn did not prevail.

Mr. Tweedy moved that a committee of three be appointed, charged with the duty of verifying the vote on the question of reconsidering the action of yesterday in relation to the resolutions of the Senate on the subject of elections.

Mr. Scott moved to lay this motion on the table.

Pending the action of the House on these propositions,

Mr. Shumate moved that the Speaker and Clerk do verify said vote before the session of to-morrow.

This motion prevailed.

The House took up the report of the committee on the bill to incorporate the Newnan & Americus Railroad Company, and to lend the aid of the State to the same.

The report was agreed to.

The bill was read the third time, and on the question of its passage Mr. O'Neal of Lowndes required the yeas and nays to be recorded.

Those voting in the affirmative are Messrs.—

Atkins,	Golden,	Nesbitt of Gordon,
Armstrong,	Gray,	Page,
Anderson,	Guilford,	Parks,
Allen of Jasper,	Gullatt,	Price,
Bethune,	Hillyer,	Paulk,
Brewster,	Higdon,	Powell,
Barnum,	Holcombe,	Perkins of Dawson,
Ballanger,	Harden,	Perkins of Cherokee,
Bryant,	Hamilton,	Rice,
Buchan,	Hughes,	Rosser,
Carson,	Hutchings,	Rogers,
Campbell,	Hook,	Shumate,
Caldwell,	Hooks,	Shackleford.
Cleghorn,	Harris of Murray,	Scott,
Cobb,	Harper of Sumter,	Scroggins,
Costin,	Harper of Terrell,	Smith of Charlton,
Colby,	Harrison of Franklin,	Smith of Muscogee,
Cunningham,	Hall of Meriwether,	Tweedy,
Darnell,	Hall of Glynn,	Thomason,
Duncan,	Jackson,	Turner,
Ellis,	Johnson of Forsyth,	Tumlin,
Erwin,	Lee,	Tate,
Felder,	Linder,	Walthall,
Floyd,	Lindsey,	Welchel,
Fowler,	Matthews,	Warren of Quitman,
Ford,	Maull,	Williams of Harris,
Fincannon,	McDougald,	Williams of Morgan,
Goodwin,	McCormick,	Zellers.
Gober,	Nash,	

Those voting in the negative are Messrs.—

Brown,	Haren,	Prudden,
Barnes,	Harrison of Hancock,	Reid,
Bradford,	Kyle,	Richardson,
Carpenter,	Madden,	Strickland,
Clower,	Moore,	Stone,
Cloud,	McArthur,	Saulter,
Fitzpatrick,	Neal,	Vinson,
Gardner,	O'Neal of Lowndes,	Wilcher,
Holden,	O'Neal of Baldwin,	Warren of Burke.
Houston,	Phillips,	

Yeas 86.

Nays 30.

So the bill was passed.

On motion of Mr. Tumlin the Clerk was instructed to transmit the same to the Senate forthwith.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have passed the House bill to be entitled an act to change the time of holding the Superior Courts in the counties of Houston and Twiggs, with certain amendments, in which they ask the concurrence of the House.

And I am directed to transmit the same forthwith to this branch of the General Assembly.

Mr. Price, chairman of the Committee on Agriculture and Internal Improvements, submitted the following report :

Mr. Speaker :

The Committee on Agriculture and Internal Improvements have had under consideration the following bills, to-wit :

A bill to be entitled an act to incorporate the Central Georgia Agricultural and Manufacturing Company, and for other purposes, which they recommend do pass as amended.

A bill to be entitled an act to grant to certain persons therein named the right to dig and mine in the beds of the navigable streams and waters of the State of Georgia for phosphate rocks and phosphatic deposits, which they recommend do not pass.

A bill to be entitled an act to protect the agricultural interests of the county of Stewart, and for other purposes therein mentioned, which they recommend do not pass.

On motion of Mr. Duncan the rules were suspended, and the House bill to change the time for holding the Superior Courts of Houston and Twiggs counties, which was reported this day from the Senate, with certain amendments, was taken up.

The Senate amendments were concurred in, and are as follows:

“Strike out ‘and’ in caption, and add ‘and Catoosa.’”

“Add after the word ‘October,’ in the last line of the first section, ‘the Superior Courts of Catoosa county shall be on the first Mondays in March and September in each year, instead of the second Mondays in February and August, as now held.’”

The House, on motion, adjourned until 10 o'clock A. M. to-morrow.

FRIDAY, August 5, 1870,

10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Dr. Brantly.

The call of the roll was dispensed with.

The Journal was read and approved.

The Speaker submitted to the House the following report:

To the House of Representatives:

The undersigned, appointed by your honorable body to examine and verify the vote of this House on the motion

to reconsider so much of the Journal of Wednesday as relates to your action making the Senate resolutions on the subject of an election the special order for Thursday next, beg leave to report the performance of the duty imposed, with the following result :

We find the name of Mr. Humber, who voted in the negative, and that of Mr. Zellars, who voted in the affirmative, omitted from the record. Also, an error of one vote in the addition of the yeas. In accordance with these facts, we herewith submit a corrected record of the vote on the above proposition, which shows that there were yeas 62 and nays 63.

Respectfully submitted.

R. L. McWHORTER,

Speaker House of Representatives.

M. A. HARDIN, Clerk *pro tem*.

Atlanta, August 4, 1870.

Those voting in the affirmative are Messrs.—

Atkins,	Holden,	O'Neal of Baldwin,
Allen of Jasper,	Houston,	Page,
Bell,	Harden,	Porter,
Barnes,	Haren,	Powell,
Bradford,	Hughes,	Perkins of Dawson,
Buchan,	Hutchings,	Reid,
Campbell,	Harris of Glascock,	Rice,
Clower,	Harrison of Hancock,	Rogers,
Costin,	Hall of Meriwether,	Richardson,
Colby,	Joiner,	Simms,
Cunningham,	Jackson,	Stone,
Darnell,	Johnson of Forsyth,	Saulter,
Ellis,	Linder,	Smith of Charlton,
Fitzpatrick,	Lindsey,	Smith of Muscogee,
Floyd,	Madden,	Tweedy,
Goodwin,	Madison,	Thomason,
Golden,	Maull,	Turner,
Gardner,	Moore,	Warren of Burke,
Guilford,	McCormick,	Williams of Harris,
Hillyer,	Nesbit of Gordon,	Zellars.
Holcombe,	O'Neal of Lowndes,	

Those voting in the negative are Messrs.—

Armstrong,	Higdon,	Perkins of Cherokee,
Anderson,	Hamilton,	Reddish,
Brewster,	Hook,	Rosser,
Brown,	Humber,	Rawles,
Barnum,	Harris of Murray,	Rumph,
Ballanger,	Harper of Sumter,	Strickland,
Bryant,	Harper of Terrell,	Sisson,
Caldwell,	Harrison of Franklin,	Shumate,
Cloud,	Hall of Glynn,	Shackleford,
Cleghorn,	Kytle,	Scott,
Cobb,	Lee,	Sorrells,
Duncan,	Matthews,	Tumlin,
Erwin,	McArthur,	Tate,
Felder,	McDougald,	Turnipseed,
Fowler,	Neal,	Vinson,
Ford,	Nash,	Walthall,
Fryer,	Osgood,	Wilcher,
Fincannon,	Parks,	Welchel,
Gober,	Price,	Warren of Quitman,
Gray,	Paulk,	Williams of Haralson,
Gullatt,	Phillips,	Williams of Morgan.

Yeas 62.

Nays 63.

Mr. Scroggins paired off with Mr. Johnson of Towns.

Mr. Carson paired off with Mr. Seale.

Mr. Harkness paired off with Mr. Allen of Hart.

Mr. Hooks paired off with Mr. Pepper.

Mr. Maxwell paired off with Mr. Rainey.

Mr. Watkins paired off with Mr. Hall of Bulloch.

Mr. Davis of Clark rose to a question of privilege, stating that he was absent yesterday at the time that the vote referred to was taken, under the impression that the agreement to pair off, entered into between him and Mr. Sorrells, would not expire until his return. As Mr. Sorrells, under a different construction of this agreement, voted on the question referred to in the report of the Speaker and Clerk, he requested the privilege of recording his vote also on this question.

The Speaker adhered to his ruling of yesterday, that the vote was closed from the time that he announced the result, and that the agreement of members to pair off was a question between themselves exclusively.

From this decision Mr. Johnson of Spalding took an appeal.

Mr. Osgood called for the previous question, which was sustained.

The main question was put, to-wit: Shall the decision of the Chair stand as the judgment of the House?

The yeas and nays were demanded.

Those voting in the affirmative are Messrs.—

Armstrong,	Higdon,	Reddish,
Anderson,	Holden,	Rosser,
Brewster,	Hamilton,	Rawles,
Brown,	Hook,	Rumph,
Barnum,	Harris of Murray,	Sewell,
Ballanger,	Harper of Sumter,	Strickland,
Bryant,	Harper of Terrell,	Sisson,
Carson,	Harrison of Franklin,	Shumate,
Clark,	Hall of Glynn,	Seale,
Caldwell,	Kytile,	Shackleford,
Cleghorn,	Lee,	Scott,
Cobb,	Lane,	Sorrells,
Duncan,	Matthews,	Tumlin,
Erwin,	McArthur,	Tate,
Felder,	McDougald,	Turnipseed,
Fowler,	Nash,	Vinson,
Ford,	Osgood,	Walthall,
Fryer,	Price,	Wilcher,
Fincannon,	Paulk,	Welchel,
Gober,	Phillips,	Warren of Quitman,
Gray,	Prudden,	Williams of Morgan,
Gullatt,	Perkins of Cherokee,	

Those voting in the negative are Messrs.—

Atkins,	Ellis,	Hughes,
Allen of Jasper,	Fitzpatrick,	Hutchings,
Bell,	Franks,	Harris of Glascock,
Bethune,	Floyd,	Harrison of Hancock,
Barnes,	Goodwin,	Hall of Meriwether,
Buchan,	Golden,	Joiner,
Campbell,	Gardner,	Jackson,
Clower,	Guilford,	Johnson of Spalding,
Costin,	Hillyer,	Linder,
Colby,	Holcombe,	Lindsey,
Cunningham,	Houston,	Madden,
Darnell,	Harden,	Madison,
Davis,	Haren,	Maull,

Moore,	Perkins of Dawson,	Smith of Charlton,
McCormick,	Reid,	Smith of Muscogee,
Nesbit of Gordon,	Rogers,	Tweedy,
O'Neal of Lowndes,	Richardson,	Thomason,
O'Neal of Baldwin,	Simms,	Turner,
Porter,	Stone,	Warren of Burke,
Powell,	Saulter,	Williams of Harris.

Yeas 65.

Nays 60.

So the decision of the Chair was sustained.

Mr. Lee offered the following resolution, which was taken up, read and agreed to :

Resolved, That E. Thorn be admitted to a seat in this House.

Mr. Erwin offered the following resolution, which was taken up, read and agreed to :

Resolved, That Colonel N. L. Hutchins, of the county of Gwinnett, be tendered a seat on the floor of this House during his stay in the city.

Mr. Sisson, chairman of the Committee on Printing, made the following report, to-wit :

Mr. Speaker :

The Committee on Printing, to whom was referred a resolution directing the payment of five thousand dollars to the State Printer, recommend that it do pass.

V P SISSON,
Chairman Committee on Printing.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have passed the following bill :

A bill to be entitled an act to extend the aid of the State

to the completion of the Savannah, Griffin & North Alabama Railroad, and for other purposes.

And I am directed to transmit the same forthwith to the House.

The following report was received from Mr. Carson, chairman of the Committee on Enrollment, to-wit:

Mr. Speaker:

The bill to be entitled an act to change the time of holding the Superior Courts in the counties of Houston, Twiggs and Catoosa is duly recorded, and ready for the signature of the Speaker of the House of Representatives.

WM. C. CARSON,
Chairman Enrolling Committee.

Mr. Harden moved a suspension of the rules for the introduction of a resolution to bring on an election for Messenger this day at 12 o'clock M.

The motion was lost.

Mr. Barnum moved a suspension of the rules for the introduction of a resolution inquiring in regard to the appointment of Assistant Door-Keeper and Sergeant-at-Arms.

The motion did not prevail.

The following message was received from the Senate, through Mr. Mills, their Secretary:

Mr. Speaker:

The Senate have passed the bill of the House to be entitled an act to alter and amend the road laws of this State so far as they relate to the county of Terrell.

They have also passed a resolution appointing a committee of two from the Senate, and three from the House, to inquire what legislation, if any, is necessary to better promote and protect the interest of the people of the State in the Western & Atlantic Railroad, etc. The committee on the part of the Senate are Messrs. Mathews, Harris, and Colman.

All of which action I am directed to transmit forthwith to the House.

The House resumed consideration of the unfinished business, to-wit :

A bill to incorporate the North Georgia & Tennessee Railroad Company; to grant certain powers and privileges to the same, and for other purposes, the same having been before the Committee on Corporations, and reported with the recommendation that it do pass with certain amendments.

Mr. Anderson offered the following amendment, which was accepted by the mover of the bill, as an additional section thereto, to-wit :

And be it further enacted, That neither his Excellency the Governor, nor any other officer of this State, shall in any case issue, or endorse, or in any way bind the State for the payment of said bonds or any part thereof, till an amount equal to the amount of bonds issued and endorsed by him, has, in good faith, been first invested and actually paid in and expended in the construction of said railroad, by private persons. And his Excellency the Governor, or other officer authorized to endorse said bonds, shall, in every case, require full and satisfactory proof that such investment has been made and the money paid in and properly expended in the construction of said road, before he shall make the endorsement or deliver the bonds; and he shall require the facts to be authenticated by affidavits, in writing, of responsible parties. And any one who shall swear falsely in making any such affidavit shall be guilty of perjury, and shall, on indictment and conviction, be punished as other persons convicted of perjury are now punished by existing laws.

Mr. O'Neal of Lowndes moved to lay the whole subject-matter under consideration on the table.

Upon this motion Mr. Lane required the yeas and nays to be recorded.

Those voting in the affirmative are Messrs.—

Atkins,	Holden,	Porter,
Allen of Jasper,	Houston,	Prudden,
Brown,	Harden,	Powell,
Barnes,	Haren,	Perkins of Dawson,
Bradford,	Hutchings,	Reid,
Buchan,	Hook,	Reddish,
Carson,	Harris of Glascock,	Rawles,
Carpenter,	Harper of Terrell,	Rogers,
Clower,	Harrison of Hancock,	Richardson,
Costin,	Joiner,	Rumph,
Colby,	Jackson,	Strickland,
Cunningham,	Johnson of Spalding,	Simms,
Darnell,	Lane,	Saulter,
Davis,	Linder,	Smith of Charlton,
Ellis,	Madden,	Smith of Muscogee,
Fitzpatrick,	Madison,	Tweedy,
Franks,	Maull,	Thomason,
Floyd,	Moore,	Turner,
Goodwin,	McArthur,	Turnipseed,
Golden,	Neal,	Vinson,
Gardner,	Nesbit of Gordon,	Wilcher,
Guilford,	O'Neal of Lowndes,	Warren of Burke,
Hillyer,	O'Neal of Baldwin,	Williams of Harris.
Holcombe,	Phillips,	

Those voting in the negative are Messrs.—

Anderson,	Hamilton,	Perkins of Cherokee,
Bethune,	Harkness,	Rosser,
Ballanger,	Harris of Murray,	Sewell,
Bryant,	Harper of Sumter,	Sisson,
Clark,	Harrison of Franklin,	Shumate,
Cleghorn,	Hall of Meriwether,	Shackleford,
Cobb,	Hall of Glynn,	Scott,
Duncan,	Lee,	Scroggins,
Erwin,	Matthews,	Sorrells,
Felder,	McDougald,	Tumlin,
Fowler,	McCormick,	Walthall,
Ford,	Nash,	Welchel,
Fincannon,	Osgood,	Warren of Quitman,
Gober,	Parks,	Williams of Haralson,
Gray,	Price,	Williams of Morgan.
Higdon,	Paulk,	

Yeas 71.

Nays 47.

So the motion prevailed.

Mr. Harrison of Franklin, chairman of the Committee on Journals, made the following report :

Mr. Speaker :

I am instructed by the Committee on Journals to report that they have examined the Journals of this House, and found them accurately and neatly kept.

JAMES A. HARRISON,
Chairman Committee on Journals.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have adopted the following resolution, in which they ask the concurrence of the House :

That a special committee be appointed to report a bill upon the subject of relief at the earliest day practicable, etc.

They have appointed as the committee on their part, Messrs. Nunnally, Harris, Hinton, Griffin 21st, and Brock.

And I am directed to transmit the same forthwith to this branch of the General Assembly.

Mr. Price, chairman of the Committee on Agriculture and Internal Improvements, submitted the following report :

Mr. Speaker :

The Committee on Agriculture and Internal Improvements have had under consideration the following bills, to-wit :

A bill to be entitled an act to incorporate the Americus & Florence Railroad Company, and for other purposes, which they recommend do pass.

A bill to be entitled an act to appoint commissioners to ascertain the location of certain lots in Brunswick, and for other purposes, which they recommend do pass as amended.

A bill to be entitled an act to authorize the Ordinaries and road commissioners of the several counties to classify the public roads of the several counties, which they recommend do pass.

W P PRICE, Chairman.

Mr. Shumate, chairman *pro tem.* of the Judiciary Committee, submitted the following report:

Mr. Speaker :

The Judiciary Committee have had under consideration the following bills, to-wit :

A bill to be entitled an act declaratory of the true intent of the first clause of section 4191 of the Revised Code of Georgia, which they recommend do pass.

Also, a bill to be entitled an act to authorize the Mayor and Council of Rome to issue bonds and borrow money for purposes herein specified, which they recommend do pass.

Also, a resolution directing the State Treasurer to pay to Mariah Claiborne, wife of Hon. Malcom Claiborne, deceased, the per diem and mileage of said deceased, which they return without recommendation, and ask to be discharged from the further consideration thereof, as there are several parties claiming to be the widow of said deceased, and the question as to who is the widow is a question of fact, and properly referable to the courts.

I. E. SHUMATE, Chairman *pro tem.*

Mr. Atkins moved that the House adjourn until 10 o'clock A. M. Monday next.

Mr. Williams moved to adjourn until 10 o'clock A. M. tomorrow.

Upon the motion of Mr. Atkins the previous question was called and sustained.

The main question was put. On this the yeas and nays were required to be recorded.

Those voting in the affirmative are Messrs.—

Atkins,	Fitzpatrick,	Guilford,
Barnes,	Franks,	Houston,
Buchan,	Goodwin,	Johnson of Spalding,
Costin,	Golden,	Madden,
Cunningham,	Gardner,	Nesbit of Gordon.

Those voting in the negative are Messrs.—

Armstrong,	Haren,	Rosser,
Anderson,	Hamilton,	Rawles,
Allen of Jasper,	Harkness,	Rogers,
Bethune,	Hutchings,	Rumph,
Brewster,	Hook,	Sewell,
Brown,	Harris of Murray,	Strickland,
Barnum,	Harper of Sumter,	Simms,
Bryant,	Harper of Terrell,	Saulter,
Bradford,	Harrison of Franklin,	Sisson,
Carson,	Harrison of Hancock,	Shumate,
Carpenter,	Hall of Meriwether,	Seale,
Clark,	Hall of Glynn,	Shackleford,
Clower,	Jackson,	Scott,
Cleghorn,	Kyle,	Scroggins,
Cobb,	Lee,	Sorrells,
Colby,	Lane,	Smith of Muscogee,
Darnell,	Lindsey,	Tweedy,
Davis,	Matthews,	Thomason,
Duncan,	Moore,	Turner,
Erwin,	McArthur,	Tumlin,
Felder,	Nash,	Tate,
Floyd,	Osgood,	Turnipseed,
Fowler,	O'Neal of Lowndes,	Vinson,
Ford,	O'Neal of Baldwin,	Watkins,
Fryer,	Parks,	Walthall,
Fincannon,	Price,	Welchel,
Gober,	Paulk,	Warren of Burke,
Gray,	Phillips,	Warren of Quitman,
Gullatt,	Prudden,	Williams of Harris,
Hillyer,	Perkins of Dawson,	Williams of Haralson,
Higdon,	Perkins of Cherokee,	Williams of Morgan,
Holcombe,	Reid,	Zellars.
Holden,	Reddish,	

Yeas 15.

Nays 98.

So the motion did not prevail.

Leave of absence, for a few days on special business, was granted Messrs. Harris of Murray, Saulter, Walthall,

Nesbit of Gordon, Brewster and Gardner. Also, to the Door-keeper, Mr. Lineberger, for the same reason.

To Messrs. Humber, Johnson of Forsyth, Harden of Newton and Smith of Charlton, on account of sickness.

The House, on motion, adjourned until 10 o'clock A. M. to-morrow.

SATURDAY, August 6, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Dr. Brantly.

The call of the roll was dispensed with.

The Journal was read and approved.

Mr. Hall of Glynn moved that the rules be suspended for the call of the counties.

This motion prevailed.

Mr. O'Neal of Lowndes offered the following privileged resolution :

WHEREAS, At the election held in April, 1868, in the county of Wilcox, for members of the General Assembly, Darling Johnson received the largest number of votes and has failed to appear and qualify as the Representative of said county, according to the provisions of the act of Congress of 22d December, 1869, prescribing the mode of reorganization of this Legislature;

AND WHEREAS, D. E. Hunter at said election received the next highest number of votes for Representative of said county of Wilcox, as appears from the statement from the Executive Department herewith accompanying; therefore,

Be it resolved, That the said D. E. Hunter be now permitted to qualify as Representative of said county, by taking the oath of office as prescribed in said act of Congress, file the same, and then take his seat.

Mr. Bryant moved to amend the resolution by adding the names of John Smith of Telfair, and T. L. Wilcox of Irwin.

Mr. Tumlin moved to amend by adding the name of Alfred A. George of Baker.

Mr. Scott moved to amend by adding the names of S. H. Ware of Madison, and W. M. Butts of Marion county.

On motion of Mr. Fitzpatrick the resolution and amendments proposed were laid on the table.

Mr. Carson, chairman of the Committee on Enrollment, submitted the following report:

Mr. Speaker:

The bill to be entitled an act to alter and amend the road laws of this State, so far as they relate to the county of Terrell, is duly enrolled, and ready for the signature of the Speaker of the House of Representatives.

WILLIAM C. CARSON,
Chairman Enrolling Committee.

Mr. Fitzpatrick moved that the petitions of Isaac Rauell and Joel R. Griffin be referred to the Committee on Privileges and Elections.

Mr. Simms proposed to amend the motion by adding the petitions of J. K. Anderson and S. A. Cobb.

The amendment was received, and the motion to refer prevailed.

On motion of Mr. Price the bill to allow persons to mine and dig in navigable streams and waters of this State for phosphate rock, etc., was recommitted to the Committee on Agriculture and Internal Improvement.

Mr. Cleghorn, chairman of the Committee on New Counties and County Lines, submitted the following report:

Mr. Speaker:

The Committee on New Counties and County Lines have had under consideration the following bills, to-wit:

A bill to be entitled an act to change the county line between the counties of Stewart and Webster, which they recommend do pass.

A bill to be entitled an act to change the county line between the counties of Cherokee and Pickens, which they recommend do pass.

C. C. CLEGHORN, Chairman.

Mr. Price, chairman of the Committee on Agriculture and Internal Improvements, submitted the following report:

Mr. Speaker:

The Committee on Agriculture and Internal Improvements have had under consideration the following bill:

A bill to be entitled an act to enable the owners of mines to drain their mines, and to carry off the water and tailings of their mines and mining operations through or over the land of others, which they recommend do pass.

W P PRICE, Chairman.

Mr. Hall, chairman of the Finance Committee, submitted the following report:

Mr. Speaker:

The Finance Committee have had under consideration the following bills:

A bill to be entitled an act to amend an act entitled an act to incorporate the Augusta & Hartwell Railroad; to grant State aid to the same, and for other purposes, which they recommend do pass as amended.

A bill to be entitled an act to loan the credit of the State to the Fort Valley & Hawkinsville Railroad, and for other purposes, which they recommend do pass.

A bill to be entitled an act to authorize Owen Roach to peddle in this State without paying license, which they recommend do not pass.

A bill to be entitled an act to authorize the Mayor and Council of Rome to levy a tax, etc., which they recommend do pass.

A bill to be entitled an act for the relief of Lester Markham, and for other purposes, which they recommend do pass.

A bill to be entitled an act requiring the State Treasurer to refund to L. W. Hazlehurst, of the county of Wayne, over-paid tax, which they recommend do pass.

A bill to be entitled an act to loan the credit of the State to the Marietta & North Georgia Railroad, for which they recommend a substitute, entitled an act to loan the credit of the State to the Marietta, Canton & Ellijay Railroad, and for other purposes, which they recommend do pass.

Also, report to the House—

A bill to be entitled an act to protect the credit of the State of Georgia, in compliance with a resolution herewith returned, which bill they recommend do pass.

W. H. F. HALL,
Chairman Finance Committee.

The rules were suspended, on motion of Mr. Turner, when he offered the following resolution, which was taken up, read, and agreed to :

Resolved, That the Treasurer be, and he is hereby, authorized to pay to Mrs. F. H. Fyall, or her legal representative, the balance of money due her husband for services rendered while a member of this House.

The following bills and resolutions were introduced and read the first time, to-wit :

By Mr. Gray—

A bill to incorporate the Lookout Mountain Railroad, Iron, Steel and Coal Company, and to loan the credit of the State thereto.

By Mr. Sisson—

A bill to amend the various acts constituting the charter of the city of Atlanta.

By Mr. Neal—

A bill to lay out and organize a new county from the counties of Warren and Columbia, and for other purposes therein specified.

By Mr. Rosser—

A bill to authorize the Southwestern Railroad Company to subscribe for stock in the Americus & Florence Railroad Company.

Also, a bill to loan the credit of the State to the Americus & Florence Railroad Company.

By Mr. Kytile—

A bill to repeal section 1978 of Irwin's Revised Code.

By Mr. Sorrells—

A bill for the relief of Powell Blassingame and Dorathy Blassingame, and to legalize their marriage.

By Mr. Bethune—

A bill to incorporate the Farmers' Bank of Western Georgia.

Also, a bill to prohibit Sheriffs, Constables, and other officers from levying or collecting certain executions and decrees, and to protect such Sheriffs, Constables, and other officers, from punishment or suit for failing or refusing to levy or collect such executions.

Also, a resolution declaring members seated in the place of ineligible persons entitled to mileage and per diem from the commencement of the first session in July, 1868, until the commencement of the present session in 1870, etc.

By Mr. Barnum—

A bill to authorize the county of Stewart to subscribe the sum of \$150,000 to the Bainbridge, Cuthbert & Columbus Railroad Company, and to provide for the issue of bonds to raise money for the purpose aforesaid, and for the ratification of said subscription by the people of the county.

The same was accompanied by a petition, which was, on his motion, referred, without being read, to the Committee on Petitions.

Also, a resolution relative to the appointment of Assistant Door-keeper and Sergeant-at-Arms.

A motion to suspend the rules for taking up this resolution did not prevail.

By Mr. Wilcher—

A bill to change section 367 of Irwin's Revised Code.

Also, a bill to change the line between the counties of Taylor and Talbot.

By Mr. Tweedy—

A bill to alter and amend an act incorporating the trustees of Christ Church, in the city of Augusta, approved December 29, 1836.

Also, a bill to protect the credit of the State in reference to its guarantee of the bonds of railroad companies.

By Mr. Harper of Terrell—

A bill to purchase a law book for the use of the State; to appropriate money for that purpose, and for other purposes.

By Mr. Williams of Morgan—

A bill to grant the aid of the State to railroads.

Also, a bill to prevent certain stock from running at large in the county of Morgan.

By Mr. Clower—

A bill to repeal all acts authorizing Ordinaries and other county officers to bind out orphan children.

By Mr. Price—

A bill to incorporate the Atlanta & Blue Ridge Railroad Company.

By Mr. Hall of Meriwether—

A bill to protect the credit of the State of Georgia, reported by him as chairman of the Committee on Finance.

By Mr. O'Neal of Lowndes—

A bill to repeal the 1045th section of the Code, and to require the Secretary of State to compile all the legislative enactments of this State in the manner now prescribed by law.

By Mr. Golden—

A bill to repeal section 11 of an act to organize a Criminal Court for each county of this State.

SATURDAY, AUGUST 6, 1870.

Also, a bill to authorize the Ordinary of Liberty county to keep his office at his house in said county.

By Mr. Linder—

A bill to amend Irwin's Revised Code of Georgia by striking out the word "white" wherever it occurs.

By Mr. Hutchings—

A bill to amend section 4374 of Irwin's Revised Code relative to hunting, and for other purposes.

By Mr. Allen of Jasper—

A bill for the relief of James F. Blackwell, Green Childs, Charles G. Campbell, C. C. Hearn and John C. Key, the securities of N. O. Alexander, on his bond as Tax Collector of Jasper county.

Also, a bill to extend the aid of the State to the Griffin, Monticello & Madison Railroad Company, and for other purposes.

By Mr. Matthews—

A bill to change the line between the counties of Houston and Macon.

By Mr. Harrison—

A bill to amend the common carrier laws of this State.

By Mr. Erwin—

A bill to construct a railroad from Athens, Georgia, to Clayton, Georgia, or some point on the Blue Ridge Railroad near Clayton, by the most practicable route.

Also, a resolution fixing the order of reading Senate bills and resolutions in the House.

By Mr. Parks—

A bill to change the county lines between the counties of Gwinnett and DeKalb.

By Mr. Hall of Glynn—

A bill to allow the Brunswick & Albany Railroad to cross the Flint River at Albany, Georgia, and for other purposes.

Also, a bill to incorporate the Glynn County Marine Railway & Dry Dock Company, and for other purposes.

Also, a bill to appropriate twenty thousand dollars, or so much thereof as may be necessary, to pay for printing and publishing done.

Also, a bill to amend an act to aid the Brunswick & Albany Railroad Company, approved March 18, 1869.

By Mr. Harris of Glascock—

A bill to allow the Tax Collector of Glascock to pay over to the Ordinary of said county one-half of the State tax collected by him for the year 1870, for the building of a jail in said county.

By Mr. Scott—

A bill to confer jurisdiction of misdemeanors on the Superior Courts of the State of Georgia.

Also, a bill to amend an act, passed October 6, 1868, entitled an act to carry into effect section twelve, division two, article 5, of the Constitution of the State of Georgia.

By Mr. Gullatt—

A bill to incorporate the Atlanta Insurance, Banking & Improvement Company, and for other purposes.

By Mr. Fincannon—

A bill to amend the 14th section of the act, passed on the 3d day of October, 1868, which provides for setting apart a Homestead of Realty and Personalty, so far as it applies to certain exempted articles specified in the 2013th section of Irwin's Revised Code.

By Mr. Rumph—

A bill to change the time of holding the Superior Courts for the county of Wayne.

By Mr. Phillips—

A bill to provide for election of members to the Forty-first and Forty-second Congress.

By Mr. Perkins of Cherokee—

A bill to incorporate the Gainesville & Ellijay Railroad Company.

By Mr. Scroggins—

A bill for the relief of F. M. Scroggins, Thomas A. Grace, and the Masonic Fraternity and others, of the county of Coweta, from double tax for the year 1868.

By Mr. Cloud—

A bill to incorporate the town of Hephzibah.

By Mr. Zellars—

A bill to require Madison Bell, Comptroller-General, and

N. L. Angier, Treasurer, to settle with W W Headman, Tax Collector for Campbell county, for 1870.

By Mr. Porter—

A bill to define the duties and obligations of common carriers conformably with the laws of Congress, and to secure to all the people the benefits of a republican government in this State.

By Mr. Osgood—

A bill to amend the charter of the Savannah, Skidaway & Seaboard Railroad Company.

Also, a bill to alter and amend an act entitled an act to establish an infirmary for the relief and protection, etc., of aged and afflicted negroes.

By Mr. Simms—

A bill to repeal an act, passed in 1869, to encourage immigration into this State, etc.

Also, a joint resolution to report a bill appointing a board of commissioners to re-codify the laws of this State.

Also, a resolution authorizing the Speaker to draw his warrant on the Treasury for the payment of the Door-keeper and Assistant, the Messenger and his Assistant, etc.

The rules were suspended, and the same taken up.

Various amendments were proposed, when, on motion of Mr. Shumate, the whole subject-matter was referred to the Committee on Finance.

By Mr. Rawles—

A resolution instructing the Committee on the Judiciary to report a bill providing for juries in Justices' Courts.

The same was, on his motion, taken up and referred to the Judiciary Committee.

By Mr. Holcombe—

A resolution to raise a committee to examine and report upon the financial management of the State Government during the administration of Governor Jenkins.

The following message was received from the Senate, through Mr. Mills, their Secretary:

Mr. Speaker:

The Senate have adopted the following resolutions, in which they ask the concurrence of the House:

Resolved, That the proposition of the city of Atlanta to donate the bonds of the city to the amount of one hundred and thirty thousand dollars; any ten acres of unoccupied land within the corporate limits of the city, and to furnish, free of cost to the State, a mansion suitable for the use of his Excellency the Governor, for the term of ten years, in lieu of her present contract with the State to furnish a capitol building for the term of ten years, be, and is hereby, accepted.

2. *Resolved*, That the proposition of the Messrs. Kimball for the sale to the State of the capitol building, and the fixtures, furniture, etc., be, and is hereby, accepted.

3. *Resolved*, That a committee of one from the Senate and one from the House of Representatives be appointed to examine into the titles, and arrange all the details, upon the basis of the propositions of the Messrs. Kimball and the City Council; and, on the application of said committee, the Governor be, and he is hereby, authorized to issue to the Messrs. Kimball seven per cent. bonds of the State, having twenty years to run, reserving in his possession a sufficient amount of said bonds to secure the return to the State of the \$54,500 paid by his Excellency the Governor to the Messrs. Kimball; and it shall be the duty of said committee to see that the said amount of \$54,500 is returned to the State.

They have appointed Mr. Fain as the committee on their part.

And I am directed to transmit the same forthwith to this branch of the General Assembly.

Leave of absence was granted Messrs. Franks and Rosser, for a few days, on special business, and to Mr. Paulk on account of sickness in his family.

The House, on motion, adjourned until 10 o'clock A. M. Monday.

MONDAY, August 8, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Dr. Brantly.

The call of the roll was dispensed with.

The Journal was read and approved.

The unfinished business was resumed, to-wit: the call of the counties :

The following bills and resolutions were introduced and read the first time :

By Mr. Turnipseed—

A bill to authorize the Ordinary of Clay county to issue bonds upon the credit of the county to aid in building a court-house, and for other purposes.

Also, a bill amendatory of an act entitled an act to incorporate the town of Fort Gaines, in the county of Clay ; to define its jurisdictional limits, and for other purposes therein mentioned.

By Mr. Rice—

A bill to incorporate the town of Harlem, in the county of Columbia, and to appoint commissioners of the same, and for other purposes therein mentioned.

Also, a bill to establish a system of public instruction.

By Mr. Smith of Charlton—

A bill to change the time for the annual meeting of the Legislature of this State.

By Mr. O'Neal of Baldwin—

A bill to abolish the Penitentiary, and for other purposes.

By Mr. Madden—

A bill to repeal an act entitled an act to keep in repair the public roads in Burke county, and to levy an annual tax for that purpose, approved March 18, 1869.

By Mr. Lane—

A bill to authorize Nathaniel S. Glover, of the county of Jones, to blast a channel through the waters of the Ocmul-

gee River in aid of the water-power of his mills in said county, known as the Smith Mills.

By Mr. Fitzpatrick—

A bill to amend the several acts incorporating the city of Macon; to divide the city into wards; provide for an election, and for other purposes.

By Mr. Franks—

A bill to regulate trials in cases of bastardy.

Also, a bill making mutual dissatisfaction of husband and wife a cause for divorce.

Also, a bill to alter and amend section 1663 of the Code.

Also, a bill to define who are citizens of the State of Georgia.

Also, a bill to exempt from jury duty certain members of the fire companies of the city of Macon.

Also, a bill to alter and amend an act entitled an act to organize a Criminal Court in this State.

Also, a bill to provide for and fix the pay of grand and petit jurors.

By Mr. Turner—

A bill to repeal section 1707 of Irwin's Revised Code.

Also, a bill to repeal section 1709 of Irwin's Revised Code.

Also, a bill to repeal so much of section 4245 of Irwin's Code as relates to criminals being sentenced to work in the chain gang on the public works.

Also, a bill to enforce the revenue laws of this State, and for other purposes.

By Mr. Ford—

A bill amendatory of the Homestead Laws of this State.

Also, a bill to incorporate the Polk County Mining & Iron Manufacturing Company, and for other purposes.

Also, a bill to authorize the Ordinary and road commissioners of the county of Bartow to classify the public roads of said county, and prescribe the width and amount of work to be done on each road in said county.

Also, a bill to lay out and organize a new county from the counties of Bartow, Floyd and Gordon.

By Mr. Reddish—

A bill authorizing the Treasurer of Appling county to receive jury certificates in payment of dues to the county.

By Mr. Harkness—

A bill to change the lines between the counties of Butts and Henry.

Also, a bill to incorporate the Griffin, Monticello & Madison Railroad Company, and for other purposes therein mentioned.

On motion of Mr. Scott the rules were suspended, when he offered the following bills, to-wit:

A bill to authorize the trustees of the University of Georgia to sell certain property therein named, with a view to the change of investment.

Also, a bill to exempt from jury duty members of the Hook & Ladder Company, and of the Mountain City Fire Company of the city of Rome, in the State of Georgia, and for other purposes.

Under a further suspension of the rules, on motion of Mr. Lane, the following Senate resolutions were taken up and read, to-wit:

WHEREAS, By a joint resolution of the General Assembly the courts of the State were deprived of considering any case in which a contract was entered into prior to June, 1865, and all executive officers were prevented from levying and selling by virtue of any execution founded upon any such contract, until twenty days after the assembling of the General Assembly;

Be it therefore resolved by the Senate and House of Representatives, That said resolution be continued in full force until the General Assembly have acted on the subject of relief, by bill or otherwise: Provided, That the provisions of this resolution shall cease at the expiration of twenty days; and for the purpose of having an immediate settlement of this question, a special committee of five from the Senate and two from the House be appointed to report a bill upon this subject at the earliest day practicable.

Upon the question of concurring in the same, Mr. Osgood called for the previous question, which was sustained.

The main question was put and the resolution concurred in.

The following message was received from his Excellency the Provisional Governor, through Mr. Atkinson, his Secretary, to-wit:

Mr. Speaker:

His Excellency the Provisional Governor has approved and signed the following acts, to-wit:

An act to alter and amend the road laws of this State so far as they relate to the county of Terrell.

An act to change the time of holding the Superior Courts in the counties of Houston, Twiggs, and Catoosa.

The following message was received from the Senate, through Mr. Hendrix, their Assistant Secretary:

Mr. Speaker:

The Senate have passed the following bill:

A bill to be entitled an act to incorporate the town of Montezuma, in the county of Macon, and to provide for an election of Mayor and Aldermen for the same.

And I am directed to transmit the same forthwith to this branch of the General Assembly.

The following message was received from his Excellency the Provisional Governor, through Mr. Atkinson, his Secretary, to-wit:

Mr. Speaker:

I am directed by his Excellency the Provisional Governor to deliver to the House of Representatives a communication in writing with accompanying documents.

On motion of Mr. Carson the communication referred to in the foregoing message, together with the accompanying documents, was taken up and read, to-wit:

EXECUTIVE DEPARTMENT,
ATLANTA, GEORGIA, August 8, 1870.

To the General Assembly :

The following copies of official papers disclose the action taken under and by virtue of the "act to set apart and secure the School Fund," approved July 28, 1870, and are respectfully submitted to your honorable body.

RUFUS B. BULLOCK.

COMPTROLLER-GENERAL'S OFFICE,
ATLANTA, GEORGIA, August 8, 1870.

To his Excellency Rufus B. Bullock :

SIR—In accordance with the provisions of section 1 of the act, approved July 28, 1870, entitled "an act to set apart and secure the School Fund," I have the honor to report the following statement of the amount of School Fund, as far as can now be ascertained, in the Treasury up to July 1, 1870, to-wit :

Poll tax of 1868, actually ascertained and separated from the general tax, \$86,337 63.

Poll tax of 1869, actually ascertained and separated from general tax, \$86,080 51.

Amount of educational tax from other sources since July 4, 1868, \$69,609 48.

Total \$242,027 62.

The following sums are certified by the Treasurer at the dates indicated as interest on State deposits, to-wit: August 23, 1869, \$336 10; December 28, 1869, \$1,546 05.

Total \$1,882 15.

This may belong to the School Fund, but there was nothing in the face of the Treasurer's certificate to indicate it; so I have not so reported it.

There is probably a small amount of insolvent poll tax paid in by Tax Collectors during the years 1869 and 1870, but it will be necessary to carefully examine the receipt book for those years, which can be done hereafter, and reported in my next report on this subject.

Respectfully,

MADISON BELL,
Comptroller-General.

Received of his Excellency Rufus B. Bullock, this 6th day of August, 1870, two hundred and sixty-eight thousand dollars of seven per cent. bonds, numbered from one to two hundred and sixty-eight, inclusive, the same being a deposit to secure for the School Fund two hundred and forty-two thousand and twenty-seven dollars and sixty-two cents, the amount reported by the Comptroller-General on the 30th of July, 1870.

All this is done under and by virtue of, and to be held in accordance with, an act to set apart and secure the School Fund, approved July 28, 1870.

N. L. ANGIER, Treasurer.

Mr. Cleghorn, chairman of the Committee on New Counties and County Lines, submitted the following report :

Mr. Speaker :

The Committee on New Counties and County Lines have had under consideration a bill to be entitled an act to annex the county of Hancock to the Ocmulgee, and the county of Glascock to the Middle Circuit, which they recommend do pass.

C. C. CLEGHORN, Chairman.

On motion of Mr. Shumate, the rules were suspended for the purpose of reading bills the second time.

The following bills were read the second time and referred to the Judiciary Committee, to-wit :

A bill to amend section 650 of Irwin's Code.

A bill to prevent hunting on enclosed lands without consent of owners.

A bill to amend section 4736 of Irwin's Code of Georgia.

A bill for the better protecting innocent witnesses in cases of felonies and misdemeanors.

A bill to alter and amend sections 4725, 4726, 4732, 4733, 4734, 4735, 4736, 4737, 4738, 4739, 4741, 4749 and 4751 of Irwin's Revised Code in relation to the city of Savannah.

A bill to carry into effect the second clause of the thir-

teenth section of the fifth article of the Constitution; define the eligibility of jurors and prescribe the mode and manner of drawing jurors and empaneling the same.

Two hundred copies of this bill, on motion of Mr. Porter, were ordered to be printed for the use of the House.

A bill to enforce the provisions of the Civil Rights Bill, of the Congress of the United States, in Georgia.

A bill to prescribe the duties of clerks and other officers.

A bill to confer the privilege of majority upon Church P. Goree, of the county of Walker.

The following bills were read the second time and referred to the Committee on Corporations, to-wit:

A bill to incorporate the Rome & Summerville Railroad Company.

A bill to incorporate the town of Acworth, and for other purposes.

The rules were suspended, on motion of Mr. O'Neal of Lowndes, and the bill to extend the corporate limits of the city of Bainbridge, and for other purposes therein mentioned, was taken up for the third reading.

The report was agreed to, the bill read the third time, and passed.

On motion of Mr. Tumlin the same was ordered to be transmitted forthwith to the Senate.

The bill to allow Amos Rahn, of Effingham county, to practice medicine and collect for the same, was read the second time.

On motion of Mr. Barnum it was ordered that this bill, and all others of like character, be referred to a special committee of physicians.

The Speaker announced as said committee Messrs. Barnum, Fowler, Bell, Thomason and Maull.

The following bills were read the second time and referred to the Committee on Finance, to-wit:

A bill to alter and amend section 874 of the Revised Code.

A bill to remit the tax of Cobb county for the year 1870.

The bill to create a board of supervisors for the county of Chatham was read the second time and referred to the Committee on Privileges and Elections.

The bill to carry into effect the 6th article of the Constitution of this State and provide a thorough system of education, to be forever free to all the children of this State, was read the second time and referred to the Committee on Education.

Two hundred copies thereof were, on motion of Mr. Simms, ordered to be printed for the use of the House.

The following bills were read the second time and referred to the Committee on Banks, to-wit :

A bill to incorporate the Savings Bank of Savannah.

A bill to incorporate the Chatham Mercantile Loan & Trust Company.

The following bills were read the second time and referred to the Committee on Agriculture and Internal Improvement, to-wit :

A bill to amend an act to incorporate the Vernon Shell Road Company, and for other purposes therein named, assented to December 13, 1859.

A bill to incorporate the Georgia Steam Plow & Transportation Company of Georgia.

The following bills were read the second time and referred to the Committee on New Counties and County Lines, to-wit :

A bill to lay out and organize a new county from the county of Decatur, and for other purposes.

A bill to change the line between the counties of Catoosa and Walker.

Leave of absence was granted Messrs. Gray of Walker, Darnell, Rice, and Williams of Morgan, for a few days on special business; and to Messrs. Harper of Sumter, Fryer and Evans, on account of sickness in their families.

The House adjourned until 10 o'clock A. M. to-morrow.

TUESDAY, August 9, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Dr. Brantly.

The Journal was read and approved.

Mr. Price moved a reconsideration of so much thereof as relates to the concurrence of the House in the Senate resolutions relative to the subject of relief.

Mr. Fitzpatrick called for the previous question, which was sustained.

The main question was put.

Upon this Mr. Price required the yeas and nays to be recorded.

Those voting in the affirmative are Messrs.—

Armstrong,	Fincannon,	Rainey,
Brown,	Golden,	Richardson,
Barnum,	Higdon,	Rumph,
Ballanger,	Hall of Bulloch,	Stone,
Bryant,	Kyle,	Sisson,
Bradford,	Madison,	Shackleford,
Clark,	McArthur,	Sorrells,
Caldwell,	Neal,	Tate,
Davis,	Nash,	Turnipseed,
Erwin,	Price,	Warren of Quitman,
Fitzpatrick,	Rice,	Williams of Haralson.
Fowler,		

Those voting in the negative are Messrs.—

Atkins,	Colby,	Holden,
Anderson,	Cunningham,	Houston,
Allen of Jasper,	Duncan,	Haren,
Bell,	Ellis,	Hamilton,
Bethune,	Felder,	Hughes,
Beard,	Floyd,	Hutchings,
Barnes,	Ford,	Hooks,
Buchan,	Goodwin,	Harper of Terrell,
Carson,	Gober,	Harrison of Franklin,
Carpenter,	Gardner,	Harrison of Hancock,
Campbell,	Guilford,	Hall of Meriwether,
Clower,	Hillyer,	Hall of Glynn,
Costin,	Holcombe,	Jackson,

Johnson of Spalding,	Parks,	Shumate,
Lee,	Phillips,	Seale,
Lane,	Pepper,	Scott,
Linder,	Porter,	Scroggins,
Lindsey,	Prudden,	Smith of Muscogee,
Matthews,	Powell,	Tweedy,
Maxwell,	Perkins of Dawson,	Turner,
Maull,	Perkins of Cherokee,	Tumlin,
Moore,	Reid,	Vinson,
McDougald,	Rawles,	Watkins,
Nesbit of Gordon,	Rogers,	Welchel,
Osgood,	Sewell,	Warren of Burke,
O'Neal of Lowndes,	Strickland,	Williams of Harris,
O'Neal of Baldwin,	Simms,	Zellars.
Page,		

Yeas 34.

Nays 82.

So the motion to reconsider did not prevail.

Mr. Johnson of Spalding rose to a privileged question, requesting that credit be given him on the Journal for the introduction of the following bills, reported yesterday, as having been introduced by Mr. Franks, to-wit:

A bill to regulate trials in cases of bastardy.

Also, a bill making mutual dissatisfaction of husband and wife a cause of divorce.

Mr. Osgood offered the following resolution:

Resolved, That the Hon. John Scriven, Mayor of the city of Savannah, and Dr. J. J. Waring, be invited to seats on the floor of this House.

The same was amended, on motion of Mr. Porter, by adding the name of Col. P. B. Bedford.

Also, on motion of Mr. Barnum, by adding the name of Hon. John C. Ferrill.

The resolution, as amended, was agreed to.

Mr. Allen of Jasper offered the following resolution, which was taken up, read and agreed to:

Resolved, That this Hall be tendered to-night to J. Edwin Churchill for the purpose of delivering a lecture.

The Speaker announced the following members as constituting the committee on the part of the House, under the Senate joint resolution, on the subject of relief, to-wit:

Messrs. Lane, Ford, O'Neal of Lowndes, Hamilton, Phillips, Hall of Meriwether, Shumate, Harper of Terrell, Costin, and Allen of Jasper.

Mr. Hall of Meriwether, chairman of the Finance Committee, submitted the following report:

Mr. Speaker:

The Committee on Finance have had under consideration the memorial of H. C. Hornady, and report, concerning the same, a bill to be entitled an act to compensate H. C. Hornady for services rendered the destitute of this State, which they recommend do pass.

A bill to be entitled an act to alter and amend section 874 of Irwin's Revised Code, which they recommend do pass.

A bill to be entitled an act to incorporate the Barnwell, Millen & Albany Railroad Company; to grant State aid to the same, and for other purposes, etc., which they recommend do pass as amended.

Also, the resolutions in relation to the pay of members and officers of this House, and recommend the adoption of the accompanying resolution in lieu thereof.

W H. F HALL,
Chairman Finance Committee.

On motion of Mr. Hall of Meriwether the rules were suspended, and the resolution reported as a substitute for a resolution to provide for paying members and officers of this House was taken up and agreed to, to-wit:

Resolved, That the Treasurer be, and he is hereby, authorized to advance to each member of this House one hundred dollars, and the same amount to the Door-keeper, Messenger and Constitutional Clerks; and that he pay the sum of five dollars per day to the Assistant Door-keeper and Assistant Messenger, and the sum of five dol-

lars per day to the Door-keeper and Guard of the gallery, and the sum of one hundred dollars each to the Clerks of the Judiciary and Finance Committees of the House.

The House took up the report of the Judiciary Committee on the bill to add an additional section to the Penal Code of this State.

On motion of Mr. Ford the same was indefinitely postponed.

The House took up the report of the Judiciary Committee on the bill to change the method of enforcing liens from the steamboat method to the method of enforcing mortgages on personal property.

On motion of Mr. McWhorter the said bill was recommitted to the Judiciary Committee.

The House took up the report of the Judiciary Committee on the bill fixing compensation of the scrivener in making records in cases of felonies tried in the courts of this State.

The report of the committee being adverse to the passage of the bill, was agreed to, and the bill, therefore, lost.

The House took up the report of the Committee on Finance on the bill to repeal an act prohibiting the sale and purchase of agricultural products in the counties of Lowndes and Macon.

The same was, on motion of Mr. O'Neal of Lowndes, recommitted to the Judiciary Committee.

The House went into Committee of the Whole, Mr. Rawles in the chair, on the bill to make appropriations for leveling breastworks, etc., around the city of Savannah.

The committee rose, and, through their chairman, reported the bill back to the House without amendment.

On motion of Mr. Anderson the report of the Finance Committee, adverse to the passage of the bill, was agreed to, and the bill, therefore, lost.

The House took up the report of the Judiciary Committee on the bill for the relief of Adelia J. Edmondson, of the county of Coweta, which report is as follows :

The Judiciary Committee recommend that the bill do

not pass, as, from the facts recited in the preamble thereof, it appears that she is laboring under no impediment, and is fully authorized to marry.

The report was agreed to, and the bill, therefore, lost.

The House took up the report of the Judiciary Committee on the bill to authorize Nathan Chapman and W. D. Winburn to exhibit the sleight-of-hand in the State of Georgia, free of taxation.

The report being adverse, was agreed to, and the bill, therefore, lost.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have passed the following bills, in which they ask the concurrence of the House :

A bill to be entitled an act to amend an act incorporating the town of Fort Valley, in Houston county, etc.

Also, a bill to be entitled an act to repeal an act entitled an act to organize a Criminal Court for each county of this State, assented to 7th of October, 1868, and the several acts amendatory thereof.

Also, a bill to be entitled an act to change the times of holding the Superior Courts in the county of Emanuel.

Also, a bill to be entitled an act to repeal an act entitled an act to encourage and protect the building of mills and manufacturing establishments in this State, approved 19th of March, 1869.

Also, a bill to be entitled an act to legalize the revision of the jury boxes in cases of failure to revise the same on the day now prescribed by law.

Also, a bill to be entitled an act to incorporate the Cotton States' Fertilizing Company at Macon.

Also, a bill to be entitled an act to incorporate the Potterville Manufacturing Company, in Taylor county, in the State of Georgia.

And I am directed to transmit the same forthwith to this branch of the General Assembly.

The House took up the report of the Committee on Corporations on the bill to incorporate the town of Euharlee, in the county of Bartow; to appoint commissioners for the same, and for other purposes therein mentioned.

The report was agreed to. The bill was read the third time and passed.

The House took up the report of the Finance Committee on the bill to authorize the Intendant and Wardens of the town of Athens to aid in the extension of the Georgia Railroad, or the construction of any other railroad, from Athens to the Rabun Gap.

The report was agreed to. The bill was read the third time and passed.

The House took up the report of the Committee on Finance on the bill to authorize the Mayor and Council of the city of Rome to subscribe not exceeding one hundred thousand dollars of stock in the Memphis Branch Railroad, upon certain conditions, and for other purposes.

The report was agreed to. The bill was read the third time and passed.

The House went into Committee of the Whole, Mr. Rawles in the chair, on the bill requiring the State Treasurer to refund to L. W. Hazlehurst, of the county of Wayne, \$230, amount of tax over-paid.

The committee, on motion, reported the same back to the House, through their chairman, without amendment.

Mr. Hall of Glynn asked permission, and withdrew the bill from the consideration of the House.

The House took up the report of the Judiciary Committee on the bill to alter and amend the third paragraph of section 1969 of Irwin's Code of Georgia.

The title thereof was amended, on motion of Mr. Rawles, to read as follows:

"A bill to be entitled an act to alter and amend an act for the enforcement of liens, etc."

The report, as amended, was agreed to. The bill was read the third time and passed as amended.

Mr. Harper of Terrell offered the following resolution, which was taken up, read and agreed to:

Resolved, That on and after Thursday next the daily sessions of this House shall be from 9 o'clock A. M. to 1 o'clock P. M.

The House took up the report of the committee on the bill to create a board of commissioners of roads and revenue in the county of Glynn.

Various amendments were proposed thereto.

On motion of Mr. O'Neal of Lowndes the same was made the special order for 11 o'clock A. M. Monday next.

On motion of Mr. Wilcher the Senate bill to incorporate the Potterville Manufacturing Company, in Taylor county, in the State of Georgia, was taken up and read the first time.

The House went into Committee of the Whole, Mr. Rawles in the chair, on the bill for the relief of Rebecca B. B. Cohen and Perla S. Solomons, heirs of Mordecai Sheftall, a revolutionary officer.

The committee, on motion, rose, and, through their chairman, reported the same back to the House without amendment.

On motion of Mr. Anderson the report of the Finance Committee, adverse to the passage of the bill, was agreed to, and the bill was, therefore, lost.

With the consent of the House Mr. Parks withdrew the bill to change the time of holding the Superior Courts of the counties of Jackson and Gwinnett.

The House took up the report of the Committee on Corporations on the bill to incorporate the town of Clarksville, in the county of Habersham; to appoint commissioners for the same, and for other purposes.

The report was agreed to. The bill was read the third time and passed.

The House took up the report of the committee on the bill to extend, continue, and renew the banking privileges of the Central Railroad & Banking Company of Georgia.

On motion of Mr. O'Neal of Lowndes the same was referred to the Committee on the Judiciary.

The House took up the report of the committee on the

bill to incorporate the Fort Valley & Hawkinsville Railroad Company, and to grant certain powers and privileges to the same, and for other purposes.

The report was agreed to. The bill was read the third time and passed.

Leave of absence was granted Mr. Hook of Milton for a few days on special business.

The House, on motion, adjourned until 10 o'clock A. M. to-morrow.

WEDNESDAY, August 10, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Dr. Brantly.

The Journal was read and approved.

On motion of Mr. Hall of Meriwether so much thereof was reconsidered as relates to the adoption of the resolution authorizing certain advances to members and officers of the House.

The same was recommitted to the Committee on Finance.

Mr. McWhorter offered the following resolution, which was taken up, read and agreed to :

Resolved, That Hon. Alexander Pope of Texas be invited to a seat in the Hall of the House of Representatives during his stay in this city.

Mr. Hall of Glynn offered the following resolution, which was taken up, read and agreed to :

**Resolved*, That Gen. S. P. Myrick be invited to a seat on this floor during his stay in the city.

Mr. Cleghorn, chairman of the Committee on New Counties and County Lines, submitted the following report:

Mr. Speaker:

The Committee on New Counties and County Lines have had under consideration the following bills, to-wit:

A bill to be entitled an act to lay out and organize a new county from the county of Decatur, and for other purposes.

A bill to be entitled an act to change the line between the counties of Randolph and Calhoun, which they recommend do pass.

C. C. CLEGHORN, Chairman.

Mr. McDougald, chairman of the Committee on Banks, submitted the following report:

Mr. Speaker:

The Committee on Banks have had under consideration the following bills, to-wit:

A bill to be entitled an act to incorporate the People's Savings Bank & Trust Company of Savannah, which they recommend do pass as amended.

A bill to be entitled an act to amend an act to incorporate the Savannah Bank & Trust Company of Savannah, approved March 4, 1869, which they recommend do not pass.

A bill to be entitled an act to incorporate the Georgia Banking Company of Savannah, Georgia, which they recommend do pass as amended.

W. A. McDOUGALD, Chairman.

The following message was received from the Senate, through Mr. Mills, their Secretary:

Mr. Speaker:

The Senate have passed the following bills, in which they ask the concurrence of the House:

A bill to be entitled an act to amend an act to create a board of commissioners of roads and revenue in the county of Harris, assented to March 17, 1869, so as to make it applicable to the county of Pike.

A bill to be entitled an act to allow the Ordinary of the county of Oglethorpe to issue bonds, to the amount of ten thousand dollars, for the purpose of establishing a poor-house and hospital for the paupers of said county.

A bill to be entitled an act to incorporate The Dollar Savings Bank of Atlanta.

A bill to be entitled an act to incorporate the Macon Canal & Manufacturing Company.

A bill to be entitled an act to create a board of commissioners of roads and revenue in the county of Richmond.

A bill to be entitled an act to incorporate the Georgia Banking Company of Savannah, Georgia.

And I am directed to transmit the same forthwith to this branch of the General Assembly.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have passed the following bills, in which they ask the concurrence of the House :

A bill to be entitled an act to change the line between the counties of Lowndes and Brooks.

A bill to be entitled an act to authorize the Ordinary of Fulton county to issue bonds for the purpose of raising money to build a jail.

And I am directed to transmit the same forthwith to this branch of the General Assembly.

On motion of Mr. Fitzpatrick the rules were suspended for the purpose of reading bills the second time :

The following bills were read the second time and referred to the Committee on Corporations, to-wit :

A bill to incorporate the Contractors' Association.

A bill to incorporate the village of Spring Vale, in the county of Randolph, and for other purposes.

A bill to incorporate the American Industrial Agency.

A bill to incorporate the Chattooga Coal & Iron Railroad Company

A bill to incorporate the Chattahoochee Railroad Company, and for other purposes therein mentioned.

A bill to make the roads and bridges from the Isle of Hope, across Long Island, to the main road on Skidaway Island, in the county of Chatham, a part of the public roads.

A bill to provide for the classification of public roads in the counties of Walker, Chattooga, Catoosa, and Dade.

A bill to incorporate the Planters' and Miners' Bank of the State of Georgia.

A bill to extend the corporate limits of the city of Macon, and the jurisdiction of the Mayor and Council of said city over said extended limits, and for other purposes.

A bill to incorporate the Indian Springs Railroad Company, and for other purposes.

A bill to incorporate the Eatonton & Union Point Railroad Company.

A bill to incorporate an insurance company in the city of Columbus, to be called the Home Fire & Marine Insurance Company of Columbus, Georgia.

A bill to incorporate the Newnan Bank, Loan & Trust Company of Newnan.

A bill to incorporate the Atlanta & Savannah Air-Line Railway Company.

A bill to amend the act incorporating the village of Cave Spring, in Floyd county.

A bill to incorporate the Dalton & Northeastern Alabama Railroad Company.

A bill to amend an act to incorporate the town of Palmetto, of the county of Campbell, etc., approved February 18, 1854.

A bill to amend the charter of the city of Atlanta, authorizing the creation of a board of health, making fire limits, extending the corporate limits, and for other purposes.

A bill to amend the charter of the city of Atlanta, so as to allow a registration of the municipal voters.

A bill to amend the several acts heretofore passed incorporating the city of Atlanta.

A bill to incorporate the Macon Banking Company.

The following bills were read the second time and referred to the Committee on the Judiciary, to-wit:

A bill to make it penal to mortgage personal property, and afterwards dispose of the same without the consent of the mortgagee.

A bill to provide for the farming out of the Penitentiary convicts, and for other purposes.

A bill for the relief of Ada Taylor, of the county of Coffee.

A bill to change paragraph 675 of Irwin's Revised Code.

A bill to provide the mode and manner of compelling putative fathers to maintain their bastard children, and to punish them for failing or refusing so to do.

A bill to carry into effect section 23, article 1, of the Constitution of Georgia, and prohibit the sale of lottery tickets therein, and provide the mode and manner of punishing offenders, and for other purposes.

A bill to establish the action of replevin in the State of Georgia.

A bill defining the liabilities of the employees, and prescribing the rights of the Superintendent of the Western & Atlantic Railroad.

A bill to regulate common carriers in this State.

A petition of the citizens of Glascock county against being changed from the Northern to the Middle Judicial Circuit.

A bill to amend the charter of the city of Atlanta, so as to allow guardians, etc., to invest in the bonds of the city.

A bill to repeal an act to encourage immigration into this State, and the investment of capital in lands.

A bill to repeal an act to amend the several acts now of force regulating the fees of magistrates and constables in the State of Georgia, so far as relates to the counties of Bibb, Richmond, Monroe and Lee, and to provide for the mode of collecting the same, approved January 22, 1852, and the several acts amendatory thereof, and to prescribe the mode of collecting costs in insolvent cases, due magistrates and constables in this State.

A bill to add a section to the ninth division of the Penal Code.

A bill declaring certain parties husband and wife.

A bill to abolish the Penitentiary system and laws of this State.

A bill to amend an act entitled an act to extend the time in relation to issuing head-rights, so as to extend the time for granting the same until 25th day of December, A. D. 1869, and to authorize the Secretary of State to issue grants to all surveys now in office.

A bill to repeal section 1816 and 1817 of Irwin's Code relative to binding out orphan children in this State.

A bill to regulate the fees of the Clerks of the Superior Courts and of the District Courts to be hereafter paid, and for other purposes.

A bill to establish District Courts, the duties of officers of the same, their compensation, and other purposes necessary to said court.

A bill to authorize a brief of the written and oral testimony to be filed in motions for new trials.

A bill to authorize all pleas and defenses to be sworn to before certain officers of other States or counties, and to prescribe the legal effect of the official attestation of such officer.

A bill to repeal the eighth section of the act to levy and collect a tax for the support of the Government for the year 1869, and for other purpose, approved March 18, 1869.

A bill authorizing the Ordinary, Commissioners and Clerk of Cherokee county to revise and draw jurors for the ensuing term of the Superior Court, etc.

A bill to authorize Halstead Smith, a minor of Chatham county, to qualify as executor of the last will and testament of Daniel T. Scranton, deceased.

A bill to repeal so much of sections 1303 and 1306 of Irwin's Revised Code of Georgia, as requires voters at the elections in this State to swear to the payment of taxes, etc.

A bill for securing and collecting costs.

A bill to confer the rights and titles of legal majority on certain persons therein mentioned.

A bill providing that the fees of Coroners, Sheriffs, Clerks of courts of record, Justices of the Peace and Constables, shall not be liable to garnishment.

A bill to define the powers and authority of Sheriffs and other officers of this State, and to provide for a violation of the same.

A bill to make slander a criminal offense.

A bill to legalize juries drawn for the county of Glynn.

A bill to amend an act, approved October 6, 1868, to require the Reporter of the Supreme Court to publish the decisions of the Supreme Court in pamphlet form, and to provide for the distribution of the same, and for other purposes.

A bill to prevent the distillation of cane in the county of Fannin.

A bill to prevent the harming and killing of deer in the counties of Fannin, Gilmer and Murray, between the 10th day of April and the 12th day of September, in each year.

Mr. Hamilton, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

The Committee on Corporations have had under consideration the following bills, to-wit:

A bill to be entitled an act to empower the Mayor and Council of the city of Atlanta to establish and maintain a system of public schools within said city, and for other purposes, which they recommend do pass as amended.

A bill to be entitled an act to amend the charter of the city of Atlanta, which they recommend do pass as amended.

A bill to be entitled an act to incorporate the Rome & Summerville Railroad Company, which they recommend do pass.

W. D. HAMILTON,
Chairman Committee on Corporations.

Mr. Price, chairman of the Committee on Agriculture and Internal Improvements, submitted the following report:

Mr. Speaker:

The Committee on Agriculture and Internal Improvements have had under consideration the following bills, to-wit:

A bill to be entitled an act to amend an act entitled an act to incorporate the Memphis Branch Railroad Company, and to grant certain powers and privileges to the same, and for other purposes, approved October 10, 1868, which they recommend do pass.

A bill to be entitled an act to grant certain persons therein named the right to dig and mine in the beds of the navigable streams and waters of the State of Georgia for phosphate rocks and phosphate deposits, which they recommend do pass as amended.

A bill to be entitled an act to incorporate the Georgia Steam Plow & Transportation Company of Georgia, which they recommend do not pass.

A bill to be entitled an act to amend an act entitled an act to incorporate the Vernon Shell Road Company, and for other purposes therein named, assented to December 13, 1859, which they recommend do pass.

W P. PRICE, Chairman.

On motion of Mr. O'Neal of Lowndes the rules were suspended, and the following bills of Senate were read the first time, to-wit:

A bill to extend the aid of the State to the completion of the Savannah, Griffin & North Alabama Railroad, and for other purposes.

A bill to incorporate the town of Montezuma, and for the election of Mayor and Aldermen for the same.

A bill to repeal an act entitled an act to organize a Criminal Court for each county of this State, assented to October 7, 1868, and the several acts amendatory thereof.

A bill to amend an act incorporating the town of Fort Valley, in Houston county.

Also, an act amendatory thereof, approved December 22, 1857, and for other purposes.

A bill to change the times of holding the Superior Courts in the county of Effingham.

A bill to legalize the revision of the jury boxes in cases of failure to revise the same on the day now prescribed by law.

A bill to change the time of holding the Superior Court for the county of Marion.

A bill to incorporate the Macon Canal & Manufacturing Company, and for other purposes.

A bill to incorporate the Dollar Savings Bank of Atlanta.

A bill to incorporate the Georgia Banking Company of Savannah, Georgia.

A bill to incorporate the Cotton States' Fertilizing Company at Macon.

A bill to change the time of holding the Superior Courts of the Atlanta Circuit.

A bill to legalize the processes issued by the Clerks of the Superior Court of the Atlanta Circuit, and for other purposes.

A bill to fix the salaries of the Judges of the Supreme and the Judges of the Superior Courts of the State of Georgia.

A bill to change the line between the counties of Lowndes and Brooks.

A bill to allow the Ordinary of the county of Oglethorpe to issue bonds, to the amount of ten thousand dollars, for the purpose of establishing a poor-house and hospital for the paupers of said county.

A bill to authorize the Ordinary of Fulton county to issue bonds for the purpose of raising money to build a jail.

A bill to create a board of commissioners of roads and revenue in the county of Richmond.

A bill to amend an act to create a board of commissioners of roads and revenue in the county of Harris, assented to March 17, 1869, so as to make it applicable to the county of Pike.

A bill to repeal an act entitled an act to encourage and protect the building of mills and manufacturing establishments in this State, approved March 19, 1869.

Mr. Shackelford offered the following resolution, which was taken up, read and adopted :

Resolved, 'That a seat on this floor be tendered Col. C. W Mabry during his stay in this city.

A seat on this floor was also tendered Hon. M. Davis.

Mr. Maull offered the following resolution, which was taken up, read and agreed to, to-wit :

Resolved, That the Hon. George Reese of Alabama be tendered a seat on the floor of the Hall of Representatives during his stay in this city.

The following bills were read the second time and referred to the Committee on Finance, to-wit :

A bill to incorporate the St. Mary's & Western Railroad Company.

A bill to lend the aid of the State to the North Georgia Railroad Company.

A bill to repeal an act authorizing the Central Railroad & Banking Company to lease and work certain railroads, and for other other purposes therein mentioned, approved January 22, 1852.

A bill for the relief of Herschel Dean.

A bill to protect the credit of the State of Georgia.

A bill to reduce the per diem of the members of the Legislature and President of the Senate and Speaker of the House of Representatives.

A bill to authorize the board of trustees of Glynn County Academy to issue change bills to the amount of one thousand dollars.

A bill to allow B. H. Mitchell to peddle without license.

The following bills were read the second time and

referred to the Committee on Agriculture and Internal Improvements, to-wit:

A bill to prevent persons from obstructing Thomas Creek, in the county of Tatnall.

A bill to amend an act entitled an act to incorporate the Cherokee Wesleyan Institute, and for other purposes.

A bill to regulate labor of mechanics, machinists, artisans and laborers on plantations.

A bill to authorize the removal of obstructions from the Oostanaula and Coosawattee Rivers.

A bill to protect the people of this State in the sale of kerosene and other illuminating oils.

A bill to alter and amend an act to incorporate the town of Homerville, in the county of Clinch.

The following bills were read the second time and referred to the Committee on New Counties and County Lines, to-wit:

A bill to change the lines between the counties of Floyd and Gordon.

A bill to change the line between the counties of Johnson and Brooks.

A bill to change the line between the counties of Thomas and Colquitt.

A bill to repeal an act to change the name of the county of Cass, etc.

A bill to change the line between the counties of Clinch and Coffee.

A bill to change the line between the counties of Berrien and Lowndes.

The following bills were read the second time and ordered to be engrossed, to-wit:

A bill to amend an act to incorporate the town of Kingston, in the county of Bartow, etc.

A bill to alter and amend an act to organize a Criminal Court for each county in this State.

A bill to amend an act to incorporate the Habersham & Union Turnpike Company, and to grant certain privileges to the same, and for other purposes, and to change the name of the same.

On motion of Mr. Sisson the rules were suspended, and the following resolution was taken up, read and agreed to, to-wit:

Resolved, That his Excellency the Governor be, and he is hereby, authorized to draw his warrant upon the Treasurer for five thousand dollars as advance to the State Printer.

Mr. Parks offered the following resolution, which was taken up, read and agreed to:

Resolved, That seats in this House be tendered to Cols. J. B. Sillman and W. J. Pike during their stay in this city.

The bill to protect the agricultural interests of the county of Stewart, and for other purposes therein mentioned, was, on motion of Mr. Barnum, recommitted to the Committee on Agriculture and Internal Improvements.

The bill to amend the laws in relation to the interest charged by the banks of this State was referred to the Committee on Banks.

The bill to authorize J. K. Harmon, of the county of Bibb, to practice medicine and collect his fees, was read the second time and referred to the Special Committee of Physicians.

The bill to repeal so much of section 4245 of Irwin's Code, as relates to criminals being sentenced to work in the chain gang on the public works, was read the second time and referred to the Committee on the Penitentiary.

The bill to prevent the carrying of concealed weapons was read the second time and referred to the Committee on Military Affairs.

The bill to appropriate the State Capitol and the Governor's Mansion at Milledgeville, to educational pur-

poses, was read the second time and referred to the Committee on Education.

The bill to change the time of holding the Superior Courts of the county of Catoosa was withdrawn by Mr. Fowler, with the consent of the House.

The House, on motion, adjourned until 9 o'clock A. M. to-morrow.

THURSDAY, August 11, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Dr. Brantly.

The Journal was read and approved.

Mr. Fitzpatrick offered the following resolution, which was taken up, read and agreed to :

Resolved, That Judge Shines, of Twiggs county, be invited to a seat on this floor during his stay in the city.

Mr. Lee, chairman of the Committee on Manufactures, made the following report :

Mr. Speaker :

Your committee, to whom was referred a bill to incorporate the Pulaski Manufacturing Company, beg leave to report that they recommend the bill do pass as amended.

Mr. Wilcher offered the following resolution, which was taken up, read and agreed to :

Resolved, That no person be allowed a seat on this floor, except those already allowed seats, and that the Sergeant-at-Arms be instructed to keep persons not members, or persons tendered seats, out of this House until the question of prolongation is settled.

Mr. Harper, chairman of the Committee on Petitions, submitted the following report :

Mr. Speaker :

The Committee on Petitions have had under consideration the following petitions :

A petition of William Howe, of the county of Floyd, for relief, which they recommend do not be granted.

A memorial from John Caldwell, of the county of Fulton, asking relief, etc., which they return without recommendation.

Mr. Hall of Meriwether, chairman of the Finance Committee, submitted the following report :

Mr. Speaker :

The Committee on Finance have had under consideration a bill to be entitled an act to allow the collector of taxes for the county of Calhoun to turn over the taxes collected by him to the Ordinary of said county for the purposes therein named, which they recommend do not pass.

Also, the resolution recommitted to them relating to the pay of the members and officers of this House, and they recommend the adoption of the accompanying joint resolution in lieu thereof.

W H. F. HALL,
Chairman Finance Committee.

The joint resolution mentioned in the foregoing report was taken up, read and agreed to, and is as follows, to-wit :

Resolved by the House of Representatives, (the Senate concurring therein,) That the Treasurer be, and he is hereby, authorized to advance to each member of the General Assembly the sum of one hundred and fifty dollars, and the same amount to the Door-keepers, Messengers and Constitutional Clerks, and the sum of five dollars a day to the Assistant Door-keeper and Assistant Messengers, and the sum of five dollars a day to the Door-keepers and Guards of the galleries, and the sum of one hundred dollars to

each of the Clerks of the Finance and Judiciary Committees, and the sum of two dollars a day to each Page of the House of Representatives; and that there shall be four Pages for the House.

Mr. Erwin, chairman *pro tem.* of the Committee on Banks, submitted the following report:

Mr. Speaker:

The Committee on Banks have had under consideration the following bills, to-wit:

A bill to be entitled an act to incorporate the Savings Bank of Savannah, which they recommend do not pass.

A bill to be entitled an act to incorporate the Chatham Mercantile Loan & Trust Company, which they recommend do pass as amended.

WILLIAM S. ERWIN,
Chairman *pro tem.*

The special order of the day was taken up, to-wit: the following joint resolution of the Senate:

WHEREAS, The constitutional term of the several officers of this State, including that of this General Assembly, is necessarily dependent upon the *time* when, under the general acts of Congress, the Constitution goes into operation, as the paramount law, freed from military influence;

AND WHEREAS, The act of Congress of July 15, 1870, does not fix said time, and the same cannot now be definitely settled until Congress shall decide by the actual admission of our Senators and Representatives;

AND WHEREAS, It is unwise further to complicate affairs by the election of new officers while the period when the State Government, as such, under the Constitution, begins its existence, is uncertain; therefore

Resolved, That the General Assembly will so shape its Legislation as that no election shall be held for the various offices provided for by the Constitution, until Congress, by

the admission of our Senators and Representatives, or in some way shall definitely determine whether the Constitution of this State is held to go into operation as the paramount law in 1868, or in 1870.

Mr. O'Neal of Lowndes, at the close of his speech, called for the previous question.

Mr. Scott submitted a point of order, insisting that he was recognized as having the floor in advance of the motion of Mr. O'Neal, and that, therefore, it could not be entertained.

The Speaker decided the point of order not well taken. From this decision Mr. Scott took an appeal.

Mr. Sisson called for the previous question on the appeal, which was sustained.

The yeas and nays were required to be recorded.

Those voting in the affirmative are Messrs.—

Atkins,	Harden,	Nesbit of Gordon,
Allen of Jasper,	Haren,	O'Neal of Lowndes,
Allen of Hart,	Hamilton,	O'Neal of Baldwin,
Bell,	Hughes,	Page,
Belcher,	Hutchings,	Parks,
Barnes,	Hooks,	Porter,
Buchan,	Harris of Glascock,	Prudden,
Carson,	Harrison of Franklin,	Powell,
Campbell,	Harrison of Hancock,	Perkins of Dawson,
Clower,	Hall of Meriwether,	Reid,
Costin,	Hall of Bulloch,	Rogers,
Colby,	Joiner,	Richardson,
Cunningham,	Jackson,	Sewell,
Darnell,	Johnson of Spalding,	Strickland,
Davis,	Johnson of Forsyth,	Simms,
Ellis,	Lee,	Stone,
Fitzpatrick,	Lane,	Smith of Charlton,
Franks,	Linder,	Smith of Muscogee,
Floyd,	Lindsey,	Tweedy,
Goodwin,	Madden,	Turner,
Golden,	Madison,	Watkins,
Gardner,	Maxwell,	Warren of Burke,
Guilford,	Mauil,	Williams of Harris,
Hillyer,	Moore,	Williams of Haralson,
Holcombe.	McCormick,	Zellars.
Houston,		

Those voting in the negative are Messrs.—

Armstrong,	Gullatt,	Rice,
Anderson,	Higdon,	Rainey,
Bethune,	Harkness,	Rosser,
Brewster,	Hook,	Rawles,
Brown,	Humber,	Rumph,
Barnum,	Harris of Murray,	Sisson,
Ballanger,	Harper of Sumter,	Shumate,
Bradford,	Harper of Terrell,	Seale,
Clark,	Hall of Glynn,	Shackleford,
Caldwell,	Kytle,	Scott,
Cloud,	Matthews,	Sorrells,
Cleghorn,	McArthur,	Smith of Ware,
Cobb,	McDougald,	Tumlin,
Duncan,	Nash,	Tate,
Erwin,	Nisbet of Dade,	Turnipseed,
Felder,	Osgood,	Vinson,
Fowler,	Price,	Walthall,
Ford,	Phillips,	Wilcher,
Fryer,	Pepper,	Welchel,
Fincannon,	Perkins of Cherokee,	Warren of Quitman,
Gray,		

Yeas 76.

Nays 61.

Mr. Johnson of Towns paired off with Mr. Scroggins.
So the decision of the Chair was sustained.

The call for the previous question on the proposition to concur in the resolution was sustained, and the main question put.

Upon this the yeas and nays were required to be recorded.

Those voting in the affirmative are Messrs.—

Allen of Jasper,	Cunningham,	Guilford,
Allen of Hart,	Darnell,	Hillyer,
Bell,	Davis,	Holcombe,
Barnes,	Ellis,	Houston,
Buchan,	Fitzpatrick,	Harden,
Carson,	Franks,	Haren,
Campbell,	Floyd,	Hughes,
Clower,	Goodwin,	Hutchings,
Costin,	Golden,	Hooks,
Colby,	Gardner,	Harris of Glascock,

Harrison of Hancock,	Maul,	Rogers,
Hall of Meriwether,	Moore,	Richardson,
Joiner,	McCormick,	Sewell,
Jackson,	Nesbit of Gordon,	Simms,
Johnson of Spalding,	O'Neal of Lowndes,	Smith of Muscogee,
Johnson of Forsyth,	O'Neal of Baldwin,	Tweedy,
Linder,	Parks,	Turner,
Lindsey,	Porter,	Watkins,
Madden,	Powell,	Warren of Burke,
Madison,	Reid,	Williams of Harris,
Maxwell,	Rice,	Zellers.

Those voting in the negative are Messrs.—

Atkins,	Harkness,	Reddish,
Armstrong,	Hook,	Rainey,
Anderson,	Humber,	Rosser,
Brewster,	Harris of Murray,	Rawles,
Brown,	Harper of Sumter,	Rumph,
Barnum,	Harper of Terrell,	Strickland,
Ballanger,	Harrison of Franklin,	Stone,
Bradford,	Hall of Bulloch,	Sisson,
Clark,	Hall of Glynn,	Shumate,
Caldwell,	Kyle,	Seale,
Cloud,	Lee,	Shackleford,
Cleghorn,	Lane,	Scott,
Cobb,	Matthews,	Sorrells,
Duncan,	McArthur,	Smith of Coffee,
Erwin,	McDougald,	Smith of Ware,
Felder,	Neal,	Tumlin,
Fowler,	Nash,	Tate,
Ford,	Nisbet of Dade,	Turnipseed,
Fryer,	Osgood,	Vinson,
Fincannon,	Page,	Walthall,
Gray,	Price,	Wilcher,
Gullatt,	Phillips,	Welchel,
Higdon,	Pepper,	Warren of Quitman,
Holden,	Perkins of Cherokee,	Williams of Haralson.
Hamilton,		

Yeas 63.

Nays 73.

Mr. Smith of Charlton paired off with Mr. Williams of Morgan.

Mr. Johnson of Towns paired off with Mr. Scroggins.

Mr. Paulk of Berrien paired off with Mr. Thomason.

So the resolution was not concurred in.

Leave of absence was granted Mr. Hughes for a few days on special business.

The hour of adjournment arrived, and the Speaker declared the House adjourned until 10 o'clock A. M. to-morrow.

FRIDAY, August 12, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Dr. Brantly.

The Journal was read and approved.

Mr. Rice moved a reconsideration of so much thereof as relates to the refusal of the House to concur in the Senate resolution on the subject of elections.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have passed the following bills, in which they ask the concurrence of the House :

A bill to be entitled an act to change the name of the City Banking Company of Macon.

A bill to be entitled an act to authorize the Ordinary of Glynn county to issue bonds to raise money for completing the court-house and jail, and for other purposes.

A bill to be entitled an act to require non-resident liquor dealers, or their agents, to obtain license before plying their avocation in this State.

A bill to be entitled an act to change the time of holding the Superior Courts of the Macon Circuit, and for other purposes.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have concurred in the following House resolutions, to-wit :

A resolution authorizing the Treasurer to advance certain amounts to the officers and members of the General Assembly.

A resolution authorizing the Governor to draw his warrant upon the Treasurer for five thousand dollars as an advance to the State Printer.

They have also concurred in the following bill of the House :

A bill to be entitled an act to extend the corporate limits of the city of Bainbridge, and for other purposes therein mentioned.

They have also passed the following bills, in which they ask the concurrence of the House :

A bill to be entitled an act to incorporate a street railroad company in the city of Rome, etc.

A bill to be entitled an act to amend an act to incorporate the Savannah, Griffin & North Alabama Railroad Company, approved February 11, 1854, and for other purposes therein mentioned.

On the proposition to reconsider, the previous question was called and sustained.

The main question was put, and the yeas and nays required to be recorded thereon.

Those voting in the affirmative are Messrs.—

Allen of Jasper,
Allen of Hart,
Bell,
Belcher,
Barnes,
Buchan,
Carson,
Campbell,

Clower,
Costin,
Colby,
Cunningham,
Darnell,
Davis,
Ellis,
Fitzpatrick,

Franks,
Floyd,
Goodwin,
Golden,
Gardner,
Guilford,
Hillyer,
Holcombe,

Houston,	Linder,	Perkins of Dawson,
Harden,	Lindsey,	Reid,
Haren,	Madden,	Rice,
Hughes,	Madison,	Rogers,
Hutchings,	Maxwell,	Richardson,
Hooks,	Maul,	Simms,
Harris of Glascock,	Moore,	Smith of Charlton,
Harrison of Hancock,	McCormick,	Smith of Muscogee,
Hall of Meriwether,	Nesbit of Gordon,	Tweedy,
Joiner,	O'Neal of Baldwin,	Turner,
Jackson,	Parks,	Warren of Burke,
Johnson of Spalding,	Porter,	Zellars.
Johnson of Forsyth,	Powell,	

Those voting in the negative are Messrs.—

Atkins,	Holden,	Perkins of Cherokee,
Armstrong,	Hamilton,	Rainey,
Anderson,	Harkness,	Rosser,
Brewster,	Hook,	Rawles,
Brown,	Humber,	Rumph,
Barnum,	Harris of Murray,	Sewell,
Ballanger,	Harper of Sumter,	Strickland,
Bryant,	Harper of Terrell,	Stone,
Bradford,	Harrison of Franklin,	Sisson,
Clark,	Hall of Bulloch,	Shumate,
Caldwell,	Hall of Glynn,	Seale,
Cloud,	Kyle,	Shackleford,
Cleghorn,	Lee,	Scott,
Cobb,	Lane,	Sorrells,
Duncan,	Matthews,	Smith of Ware,
Erwin,	McArthur,	Tumlin,
Felder,	McDougald,	Tate,
Fowler,	Nash,	Turnipseed,
Ford,	Nisbet of Dade,	Vinson,
Fryer,	Osgood,	Walthall,
Fincannon,	O'Neal of Lowndes,	Wilcher,
Gober,	Price,	Welchel,
Gray,	Phillips,	Warren of Quitman,
Gullatt,	Pepper,	Williams of Haralson.
Higdon,	Prudden,	

Yeas 62.

Nays 74.

So the motion to reconsider did not prevail.

Leave of absence was granted Mr. Sewell for a few days on special business.

The House adjourned, on motion, until 10 o'clock A. M. Monday.

MONDAY, August 15, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Mr. Crumley.

The Journal was read and approved.

Mr. Carson, chairman of the Enrolling Committee, submitted the following report, to-wit :

Mr. Speaker :

The resolution authorizing the Governor to draw his warrant upon the Treasurer for five thousand dollars, as advance to the State Printer, is duly enrolled, and ready for the signature of the Speaker of the House of Representatives.

Also, the resolution authorizing the Treasurer to advance certain amounts to the officers and members of the House and Senate.

WILLIAM C. CARSON,
Chairman Enrolling Committee.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have, by a vote of 21 yeas and 8 nays, passed the following bill, in which they ask the concurrence of the House :

A bill to be entitled an act to donate the lands in the county of Cobb, formerly used for the purposes of the Georgia Military Institute, to the trustees of the Marietta Male Academy for educational purposes.

And I am directed to transmit the same forthwith to this branch of the General Assembly.

The following message was received from his Excellency the Provisional Governor, through Mr. Atkinson, his Secretary, to-wit :

Mr. Speaker :

I am directed by his Excellency the Provisional Governor to deliver to the House of Representatives a communication in writing with accompanying documents.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have passed the following bills, in which they ask the concurrence of the House :

A bill to be entitled an act to amend the charter of the Atlanta & Roswell Railroad Company ; to authorize said road to consolidate with the Atlanta & Richmond Air-Line Railway Company, and authorize the Atlanta & Richmond Air-Line Railway Company to endorse the bonds of the Atlanta & Roswell Railroad Company.

Mr. Carson, chairman of the Enrolling Committee, submitted the following report :

Mr. Speaker :

The act to extend the corporate limits of the city of Bainbridge, and for other purposes therein mentioned, is duly enrolled and ready for the signature of the Speaker of the House of Representatives.

WM. C. CARSON,
Chairman Enrolling Committee.

The following message was received from his Excellency the Governor, through Mr. Atkinson, his Secretary, to-wit :

Mr. Speaker :

His Excellency the Governor has approved and signed the following resolutions, to-wit :

A resolution authorizing the Governor to draw his warrant upon the Treasurer for five thousand dollars as an advance to the State Printer.

Also, a resolution authorizing the Treasurer to advance certain amounts to the officers and members of the House and Senate.

Mr. O'Neal of Lowndes rose to a point of order, assuming that, under the action of this House, and the limitations of the Constitution of the State, the present General Assembly is estopped from further legislation—the Constitutional session of forty days having expired.

The Speaker decided the point of order well taken.

From this decision Mr. Tweedy took an appeal.

Mr. O'Neal of Lowndes rose to a point of order, submitting that the appeal could not be entertained, it being the decision of the Chair that the House now stands adjourned by Constitutional limitation.

The Speaker overruled this point of order.

Mr. O'Neal of Lowndes required the yeas and nays to be recorded on the question of sustaining the decision of the Chair.

Those voting in the affirmative are Messrs.—

Allen of Jasper,	Hall of Bulloch,	Reid,
Allen of Hart,	Joiner,	Rosser,
Ballanger,	Johnson of Spalding,	Rawles,
Clark,	Kyle,	Strickland,
Clower,	Lane,	Simms,
Cloud,	Lastinger,	Stone,
Cobb,	Linder,	Seale,
Costin,	Lindsey,	Scott,
Davis,	Matthews,	Sorrells,
Duncan,	Moore,	Smith of Ware,
Fitzpatrick,	McArthur,	Tumlin,
Felder,	O'Neal of Lowndes,	Tate,
Gober,	O'Neal of Baldwin,	Welchel,
Gullatt,	Page,	Williams of Harris,
Higdon,	Parks,	Williams of Haralson,
Hook,	Pepper,	Williams of Morgan,
Harrison of Franklin,	Powell,	

Those voting in the negative are Messrs.—

Atkins,	Bethune,	Brown,
Anderson,	Beard,	Barnes,
Bell,	Brewster,	Barnum,

Bryant,	Haren,	Phillips,
Bradford,	Hamilton,	Porter,
Carson,	Hutchings,	Prudden,
Campbell,	Hooks,	Perkins of Dawson,
Caldwell,	Humber,	Perkins of Cherokee,
Colby,	Harris of Murray,	Rice,
Cunningham,	Harris of Glascock,	Rainey,
Darnell,	Harper of Sumter,	Rogers,
Ellis,	Harrison of Hancock,	Rumph,
Floyd,	Hall of Meriwether,	Salter,
Fowler,	Hall of Glynn,	Sisson,
Ford,	Jackson,	Shackleford,
Fryer,	Johnson of Towns,	Scroggins,
Fincannon,	Johnson of Forsyth,	Smith of Charlton,
Goodwin,	Madden,	Smith of Muscogee,
Golden,	Maxwell,	Tweedy,
Gardner,	Maul,	Watkins,
Gray,	McDougald,	Walthall,
Guilford,	McCormick,	Wilcher,
Hillyer,	Nash,	Warren of Burke,
Holcombe,	Nesbit of Gordon,	Warren of Quitman,
Holden,	Osgood,	Zellars,
Houston,	Price,	

Yeas 50.

Nays 77.

So the decision of the Chair was not sustained.

Mr. O'Neal of Lowndes rose to a point of order, assuming that the proposition just voted on involved the question of an extension of the present session; and, not having received an affirmative vote of two-thirds, it is the duty of the Speaker to declare the House adjourned *sine die*.

The Speaker ruled that this point of order was not well taken, the House having overruled his decision that the present is the third session under the Constitution.

Mr. O'Neal of Baldwin offered the following resolution:

Resolved, That the General Assembly is now adjourned without a day.

Mr. O'Neal, the following:

Resolved, That the Speaker of this House at once appoint a committee of three to notify the Senate that this House is ready to adjourn *sine die*.

Mr. Anderson offered the following as a substitute for the two preceding resolutions :

Resolved by the House of Representatives, the Senate concurring, That the present session of the General Assembly be extended to the 14th day of September next.

Pending discussion of the foregoing resolutions, Mr. Anderson having the floor, the hour of adjournment arrived, and the Speaker declared the House adjourned until 10 o'clock A. M. to-morrow.

TUESDAY, August 16, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Mr. Crumley.

On motion of Mr. Price the resolutions pending at the adjournment on yesterday were laid on the table.

Mr. Price moved that Mr. P. H. Brassell, upon a compliance with legal requirements, be admitted to a seat as a member of this House.

Mr. O'Neal of Lowndes moved to refer the subject to the Committee on Privileges and Elections.

This motion prevailed.

On motion of Mr. Hall of Glynn the bill to create a board of commissioners of roads and revenue for the county of Glynn, with certain proposed amendments, which was the special order for to-day, was made the special order for 10 o'clock A. M. to-morrow.

On motion of Mr. Tweedy the rules were suspended, and the Senate resolutions on the subject of the capitol building were taken up.

Mr. Watkins offered a substitute therefor, submitting the question of purchasing the same to a vote of the people.

Mr. Fitzpatrick moved that the original and substitute be laid on the table.

Upon this proposition the yeas and nays were required to be recorded.

Those voting in the affirmative are Messrs.—

Armstrong,	Hamilton,	Reddish,
Anderson,	Harkness,	Rainey,
Bethune,	Hook,	Rosser,
Barnes,	Hooks,	Rawles,
Barnum,	Harper of Sumter,	Richardson,
Ballanger,	Harrison of Franklin,	Rumph,
Clark,	Harrison of Hancock,	Simms,
Clower,	Hall of Bulloch,	Saulter,
Cloud,	Johnson of Forsyth,	Shackleford,
Cleghorn,	Kyle,	Scott,
Cobb,	Lane,	Scroggins,
Costin,	Linder,	Sorrells,
Fitzpatrick,	Lindsey,	Smith of Coffee,
Franks,	Madison,	Smith of Muscogee,
Felder,	McCormick,	Smith of Ware,
Fowler,	Nash,	Tate,
Ford,	Price,	Watkins,
Fincannon,	Paulk,	Walthall,
Golden,	Phillips,	Wilcher,
Gray,	Porter,	Welchel,
Higdon,	Perkins of Dawson,	Warren of Quitman.
Houston,		

Those voting in the negative are Messrs.—

Allen of Jasper,	Gardner,	Johnson of Spalding,
Allen of Hart,	Guilford,	Lee,
Beard,	Gullatt,	Lastinger,
Carson,	Hillyer,	Madden,
Carpenter,	Holden,	Maxwell,
Campbell,	Harden,	Maull,
Colby,	Haren,	Osgood,
Cunningham,	Hutchings,	O'Neal of Lowndes,
Darnell,	Harris of Murray,	O'Neal of Baldwin,
Davis,	Harris of Glascoch,	Parks,
Duncan,	Hall of Meriwether,	Powell,
Ellis,	Hall of Glynn,	Perkins of Cherokee,
Floyd,	Jackson,	Rice,
Goodwin,	Johnson of Towns,	Rogers,

Strickland,	Tweedy,	Williams of Harris,
Sisson,	Turner,	Williams of Haralson,
Shumate,	Tumlin,	Zellars.
Smith of Charlton,	Warren of Burke,	

Yeas 64.

Nays 53.

So the motion to lay on the table prevailed.

Mr. McWhorter offered the following resolution, which was taken up, read and agreed to :

Resolved, That the Hon. Thomas Hardeman, Jr., be tendered a seat in the Hall of the House of Representatives during his stay in this city.

The following resolutions tendering seats were also agreed to :

By Mr. Madden—

Tendering seats to Hon. Jas. A. Shumate and Hon. J. B. Jones, of the county of Burke.

By Mr. Porter—

Tendering seats to Col. A. W. Stone, Col. T. P. Robb, R. W. White, Esq., and Hon. Isaac Seeley.

By Mr. Wilcher—

Tendering a seat to Col. W. S. Wallace.

By Mr. Hamilton—

Tendering a seat to the Hon. Geo. R. Black.

The following message was received from his Excellency the Governor, through Mr. Atkinson, his Secretary, to-wit :

Mr. Speaker :

His Excellency the Governor has approved and signed the following act, to-wit :

An act to extend the corporate limits of the city of Bainbridge, and for other purposes therein mentioned.

Mr. Hamilton, chairman of the Committee on Corporations, submitted the following report :

Mr. Speaker :

The Committee on Corporations have had under consideration the following bills, to-wit :

A bill to be entitled an act to amend an act to incorporate the town of Forrestville, in the county of Floyd, and the State of Georgia, and to appoint commissioners for the same, and for other purposes, and to extend the corporate limits of said town, which they recommend do pass.

A bill to be entitled an act to amend an act to incorporate the town of Palmetto, of the county of Campbell, and to appoint commissioners for the same, and for other purposes therein mentioned, approved February 18, 1854, which they recommend do pass.

A bill to be entitled an act to incorporate the town of Rutledge, and for other purposes, which they recommend do pass as amended.

A bill to be entitled an act to incorporate the town of Hiwassee, in the county of Towns, and appoint officers for the same, which they recommend do pass.

A bill to be entitled an act to incorporate the Commercial Bank & Trust Company of Savannah, which they recommend do pass.

A bill to be entitled an act to incorporate the Newnan Bank, Loan & Trust Company of Newnan, which they recommend do pass as amended.

A bill to be entitled an act to amend an act to incorporate the village of Cave Spring, in Floyd county, which they recommend do pass.

W D. HAMILTON,
Chairman Committee on Corporations.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have passed the bill of the House entitled an

act to alter, amend and add to the several acts incorporating the town of Cartersville, and to make valid certain acts of the officers of said town.

Mr. Hall of Meriwether, chairman of the Finance Committee, made the following report, to-wit :

Mr. Speaker :

The Finance Committee have had under consideration the following bills, which they respectfully return, to-wit :

A bill to be entitled an act to enable John J. Dickey, a disabled soldier of the county of Henry, to peddle without license in this State, which they return without recommendation, there being a law granting the privilege asked for to all disabled soldiers.

An act for the relief of Herschel Dean, which they recommend do pass.

A bill to reduce the per diem of the members of the Legislature, President of the Senate and Speaker of the House of Representatives, which they recommend do not pass.

A bill for the relief of Thomas W Fleming, former United States Surveyor, of Augusta, and his securities, which they recommend do pass as amended.

A bill to be entitled an act to authorize the board of trustees of Glynn County Academy to issue change bills to the amount of one thousand dollars, which they recommend do not pass.

A bill to remit the tax of Cobb county for the year 1870, which they recommend do not pass.

An act to repeal an act authorizing the Central Railroad & Banking Company to lease and work certain railroads, and for other purposes therein mentioned, approved January 22, 1852, which they recommend do not pass.

Also, the Governor's message, relating to a financial scheme for the funding of the debt of the State, and they recommend concerning the same the passage of a bill to be entitled an act to authorize the issue of bonds of this

State whereby to redeem all bonds and the interest thereon, now due or falling due, and for funding of the seven per centum currency bonds, carrying a mortgage on the State Railroad, and for other purposes therein mentioned.

W H. F. HALL,
Chairman Finance Committee.

Mr. Tweedy offered the following resolution, which was taken up, read and agreed to:

Resolved, That the Hall of the House of Representatives be, and is hereby, tendered to and for the use of the Democratic Convention, to assemble in this city to-morrow.

Mr. Rice offered the following privileged resolution, which was not agreed to:

Resolved, That a session of the House be held to-night from 8 to 10 o'clock, for the purpose of reading bills the first and second time.

Mr. Price, chairman of the Committee on Agriculture and Internal Improvements, submitted the following report:

Mr. Speaker:

The Committee on Agriculture and Internal Improvements have had under consideration the following bills:

A bill to be entitled an act to regulate the sale of liquors in this State, which they recommend do not pass.

A bill to be entitled an act to alter and amend an act to incorporate the town of Homerville, in the county of Clinch, which they recommend do pass.

A bill to be entitled an act to regulate the labor of mechanics, machinists, artisans and laborers on plantations, etc., which they recommend do not pass.

W P PRICE, Chairman.

On motion of Mr. Rawles the bill to incorporate the Savings Bank of Savannah was recommitted to the Committee on Banks.

The bill to incorporate the Georgia Steam Plow & Transportation Company was, on his motion, recommitted to the Committee on Agriculture and Internal Improvements.

On motion of Mr. Hall of Glynn the bill to authorize the board of trustees of Glynn County Academy to issue change bills to the amount of \$1,000 was recommitted to the Finance Committee.

Mr. Fitzpatrick offered the following resolution, which was taken up, read and agreed to :

Resolved, That a special committee of five be appointed to make diligent inquiry whether any State official, or other person, has used any undue influence, in a pecuniary point of view, or otherwise, to control the votes of James W Atkins of Oglethorpe, and Alexander Stone of Jefferson county, and that said committee be required to report the results of their investigation at the earliest practicable moment, and that said committee be authorized to administer oaths and have power to send for persons and papers.

The following members were announced by the Speaker as the committee under the foregoing resolution, to-wit: Messrs. Fitzpatrick, Rainey. O'Neal of Baldwin, Page and Rumph.

Mr. O'Neal of Lowndes offered the following resolution, which was taken up, read and agreed to :

Resolved, That his Excellency the Governor be, and he is hereby, requested to ascertain and inform this House whether there are any funds in the Treasury to be paid out under the act to secure the School Fund, passed during the present session.

The rules were suspended, on motion of Mr. Price, for the purpose of reading bills the second time.

The following bills were read the second time and referred to the Committee on Education, to-wit :

A bill to carry into effect the sixth article of the Constitution of this State, and provide a thorough system of education, to be forever free to all the children of this State.

A bill to establish a system of public instruction.

Two hundred copies of the latter bill were ordered printed for the use of the House.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have passed the following bill, in which they ask the concurrence of the House :

A bill to be entitled an act for the relief of Henry L. Tyson, Tax Collector of Schley county, and his securities, so far as relates to the Convention Tax.

They have also adopted the following resolution, in which they ask the concurrence of the House :

A resolution that the Governor and the Superintendent of the Western & Atlantic Railroad be requested and directed to bring to justice fiends committing outrages upon said road, and for other purposes therein mentioned.

And I am directed to transmit the same forthwith to this branch of the General Assembly

The following bills were read the second time and referred to the Committee on the Judiciary :

A bill to add certain counties therein mentioned to the Southwestern Judicial Circuit, and for other purposes.

A bill to create and organize a new Judicial Circuit out of the counties composing the Southwestern Circuit, and to provide for the appointment of a Judge thereof, and for other purposes.

A bill to amend an act to organize a Criminal Court in each county in this State.

A bill to require the Treasurer of Rabun county to receive jury certificates in payment of dues to said county.

A bill for the relief of Charles B. Roberts, of Sumter county, Georgia.

A bill to allow bar-keepers to sell certain beverages on the Sabbath day.

A bill to amend section 3496 of the Code of Georgia.

A bill to alter and amend section 2023 of the Revised Code of Georgia.

A bill to change the times of holding the Superior Courts of Paulding county, Georgia.

A bill to legalize an election for Mayor and Aldermen in the town of Marshallville, Macon county, Georgia.

A bill for the relief of W. F. Wilcoxon, of Jones county.

A bill to amend an act to entitled act to organize a Criminal Court in each county in this State.

A bill to reinstate certain parties as executors, etc.

A bill to change the seventh paragraph of section 1711 of our Code.

A bill to prevent Sheriffs and their deputies from selling more than a certain quantity of land at once.

On motion of Mr. Wilcher the following Senate bills were taken up and read the second time, to-wit:

A bill to change the time of holding the Superior Courts of the Macon Circuit, and for other purposes.

A bill to incorporate the Georgia Banking Company of Savannah, Georgia.

A bill to repeal an act entitled an act to organize a Criminal Court for each county of this State, assented to October 7, 1868, and the several acts amendatory thereof.

A bill to incorporate the Potterville Manufacturing Company, in Taylor county, in the State of Georgia.

The following persons were, by resolutions, tendered seats on the floor of the House, to-wit:

Hon. Barton Redding, C. F. Crisp, Esq., E. S. Baldwin, Esq., Col. J. R. Gamble, Hon. J. T. Hendricks, Wm. H. Penn, Esq., Col. A. McIntyre, Col. Wm. M. Mitchell, R. A. Peeples, and S. A. Middleton, Esqs., Hon. L. H. Featherston, and the Hon. John W. Duer.

Leave of absence was granted Mr. Wilcher on account of ill health ; to Mr. Haren on account of sickness in his family, and to Messrs. Welchel, Tate, Erwin, Reddish, Harper of Terrell, Floyd, Williams of Haralson, Clark, Sorrells and O'Neal of Baldwin, for a few days on special business.

The following bills were read the second time and referred to the Committee on Finance, to-wit :

A bill to amend an act to aid the Brunswick & Albany Railroad Company, approved March 18, 1869.

A bill to enforce the eighth section of an act to levy and collect a tax for the support of the Government for the year 1869, and for other purposes, approved March 18, 1869.

A bill to allow W. S. Ashworth, of Fulton county, to peddle in the counties of this State free of tax or license.

A bill to authorize the county of Houston to subscribe the sum of \$150,000 to the Fort Valley & Hawkinsville Railroad Company, and to provide for the issuing of bonds for said purpose, and for other purposes.

A bill to prescribe the method of paying certain jail fees.

A bill for the relief of Jas. A. Bradford, Julius J. Clapp, and others.

The following bills were read the second time and referred to the Committee on Corporations, to-wit :

A bill to amend an act entitled an act to incorporate the city of Americus, and to alter and amend an act to incorporate the town of Americus, in Sumter county, Georgia.

A bill to amend an act entitled an act to incorporate the town of DeSoto, in the county of Floyd.

A bill to incorporate the Chattahoochee Air-Line Rail-

road Company, and for other purposes therein mentioned.

A bill to bring on an election in the city of Macon, and to amend the charter of said city.

A bill to incorporate the town of Hogansville, in the county of Troup, etc.

A bill to amend an act incorporating the Alabama & Georgia Manufacturing Company.

A bill to incorporate the town of Harlem, in the county of Columbia, appoint commissioners for the same, and for other purposes.

The following bills were read the second time and referred to the Special Committee of Physicians, to-wit :

A bill to regulate the practice of medicine in this State.

A bill to allow Dr. A. W. Allen, an aged and infirm citizen of this State, and a resident of Muscogee county, to peddle without license.

The bill for the relief of certain parties in the county of Sumter was read the second time and referred to the Committee on Petitions.

The following bills were read the second time and ordered to be engrossed, to-wit :

A bill to change the line between the counties of Lumpkin and Hall.

A bill to authorize A. G. Wimpy and John M. Mayes, executors of Francis Wilchel, deceased, to pay over certain distributive shares of said estate without the intervention of trustees.

The bill to incorporate the Crisson Sluise-Washing & Quartz Mining Company of Lumpkin county, was read the second time and referred to the Committee on Agriculture and Internal Improvements.

The bill to authorize the Governor of this State to organize and equip volunteer companies was read the second time and referred to the Committee on the Military.

The bill to incorporate the town of Greensboro; to define its powers; to provide for its government, and for other purposes, was read the second time and referred to a special committee of seven, consisting of Messrs. Hooks, Goodwin, Welchel, Fowler, Colby, Buchan and Allen of Jasper.

The bill to appropriate \$2,000 for the benefit of those afflicted with diseases of the eyes, etc., was read the second time and referred to the Committee on Finance.

The following bills, under a suspension of the rules, were introduced and read the first time, to-wit:

By Mr. Goodwin—

A bill to alter and amend an act entitled an act to incorporate the stockholders of the Cartersville & Van Wert Railroad Company, passed by the Legislature of Georgia December 13, 1866.

By Mr. Cloud—

A bill to change the lines between the counties of Clayton and Henry, so as to add the 888th district, G. M., to Clayton.

By Mr. Carson—

A bill to repeal an act to amend an act incorporating the town of Camilla.

The following bill, reported by the chairman of the Finance Committee, was read the first time, to-wit:

A bill to authorize the issue of bonds of this State, whereby to redeem all bonds, and the interest thereon, now due or falling due, and for funding of the seven per cent. currency bonds, carrying a mortgage on the State Railroad, and for other purposes therein named.

Mr. Osgood offered the following resolution, which, on motion, was laid on the table:

Resolved, That this House hold an evening session, commencing at 4 o'clock and ending at 6 o'clock, for the purpose of reading bills the first and second time.

Mr. McWhorter offered the following resolution, which was taken up, read and agreed to, to-wit:

Resolved, That the House of Representatives proceed, on Thursday next, at 12 M., to the election of a Speaker *pro tem.* and Messenger.

The House, on motion of Mr. Clower, adjourned until Thursday next, 10 o'clock A. M.

THURSDAY, August 18, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Mr. Crumley.

The Journal was read and approved.

By resolutions the following persons were invited to seats on the floor of this House, to-wit: Hon. L. L. Stanford, Hon. James M. Hunter, Hon. James M. Mobley, Hon. M. Gomely, Col. G. N. Netherland and Judge Potts.

Mr. Cloud offered the following privileged resolution:

Resolved, That the daily sessions of the House of Representatives be as follows:

Meet at 9 o'clock A. M. and 4 o'clock P. M.; adjourn at 1 o'clock P. M. and 6 o'clock P. M.

Mr. Williams of Morgan moved a suspension of the rules for the purpose of taking up the same.

This motion did not prevail.

Mr. Hall of Meriwether, chairman of the Finance Committee, made the following report:

Mr. Speaker:

The Committee on Finance have had under consideration the following bills, to-wit:

A bill to be entitled an act to incorporate the St. Mary's & Western Railroad Company, and extend State aid to the same, which they recommend do pass.

A bill for the relief of Mrs. H. S. Camak, of Clarke county, which they recommend do pass.

A bill to be entitled an act to protect the credit of the State of Georgia, which they recommend do pass as amended.

A bill to be entitled an act to amend an act to aid the Brunswick & Albany Railroad Company, approved March 18, 1869, which they recommend do pass.

The committee also report a bill, and recommend its passage, entitled an act to authorize the Governor to borrow money on the credit of the State, on such terms as to him shall seem best, to pay off the members and officers of the General Assembly

W H. F. HALL,
Chairman Finance Committee.

Mr. O'Neal, chairman of the Committee on the Judiciary, submitted the following report:

Mr. Speaker:

The Judiciary Committee have had under consideration the following bills, to-wit:

A bill to create a board of commissioners of roads and revenue for the county of Pickens, which they recommend do pass as amended.

A bill to be entitled an act to compel the owners of stock to prevent the same from running at large in Cobb county, which they recommend do not pass.

JOHN W O'NEAL, Chairman.

Mr. Price, chairman of the Committee on Agriculture and Internal Improvements, submitted the following report:

Mr. Speaker:

The Committee on Agriculture and Internal Improve-

ments have had under consideration the following bill, to-wit :

A bill to be entitled an act to amend an act entitled an act to incorporate the Cherokee Wesleyan Institute, and for other purposes, which they recommend do pass as amended.

W P PRICE, Chairman.

Mr. Hamilton, chairman of the Committee on Corporations, submitted the following report :

Mr. Speaker :

The Committee on Corporations have had under consideration the following bills, to-wit :

A bill to be entitled an act to authorize the Central Railroad & Banking Company of Georgia to straighten its line of road within certain limits, and for other purposes therein mentioned, which they recommend do pass as amended.

A bill to be entitled an act to incorporate the Chattahoochee Railroad Company, and for other purposes therein mentioned, which they recommend do pass.

A bill to be entitled an act to make the roads and bridges from the Isle of Hope to the main road on Skidaway Island, in the county of Chatham, a part of the public roads, in conformity with the act assented to December 26, 1831, which they recommend do pass.

A bill to be entitled an act to regulate common carriers in this State, which they recommend do pass.

A bill to be entitled an act to incorporate the Indian Springs Railroad Company, and for other purposes, which they recommend do pass.

A bill to be entitled an act to provide for the classification of public roads in the counties of Walker, Chattooga, Catoosa and Dade, which they recommend do pass.

A bill to be entitled an act to incorporate the Atlanta & Savannah Railway Company, which they recommend do pass.

W D. HAMILTON, Chairman.

Mr. Bethune, as chairman of the Committee on Privileges and Elections, and under instructions thereof, made the following report:

Mr. Speaker:

The Committee on Privileges and Election, to whom were referred the petitions of J. R. Griffin, Isaac H. Anderson and S. A. Cobb, contesting the seats of C. C. Duncan, H. R. Felder and J. W. Matthews, members from Houston county—

REPORT:

That, inasmuch as the names of the said C. C. Duncan, H. R. Felder and J. Matthews, members from the county of Houston, appear in the proclamation of General Mead; and it further appearing that the identical questions made in the petitions were made and investigated by the military in 1868; and it having been the determined policy of this Legislature not to go behind said order of General Meade to investigate elections, this committee recommend that no further investigation be made or required in the above cases.

(Signed)

MARION BETHUNE, Chairman.

Mr. Bethune made the following minority report:

Mr. Speaker:

As a member of the Committee on Privileges and Elections, to whom were referred the petitions of J. R. Griffin, Isaac H. Anderson and S. A. Cobb, contesting seats of C. C. Duncan, H. R. Felder and W. Matthews, I submit the following minority report, viz:

The names of Messrs. Duncan, Felder and Matthews appear in the proclamation of General Meade as members elected.

That by certain documents found in the Executive office, it appears the identical questions made in these petitions were made to the military authorities in 1868. The endorsements found on said documents fail to show that the same was investigated.

By the act of Congress of December 22, 1869, all persons declared elected by the proclamation of General Meade, who appeared and complied with the terms of said act, are seated in this General Assembly. Two questions of serious importance arise :

1. Has the House of Representatives a right to seat any member whose name does not appear in the proclamation of General Meade ?

2. Can the House go behind the proclamation to investigate any question in reference to the right of members to their seats who have complied with the act of December 22, 1869 ?

The committee is very much divided on the last question, and, as the investigation is likely to be a tedious one, I am of opinion that these questions should be settled before pressing the investigation further.

MARION BETHUNE.

Mr. Simms, from the same committee, submitted the following :

To the House of Representatives :

The undersigned members of the Committee on Privileges and Elections beg leave to report—

That the seats of Messrs. Duncan, Matthews and Felder, Representatives from the county of Houston, are contested by Messrs. Joel R. Griffin, Isaac Anderson and S. A. Cobb, upon the charges of fraud, bribery and intimidation in the elections held in that county for Governor, members of Congress, members of the General Assembly and county officers in 1868.

That the aforementioned contestants appeared before the committee, prepared to prove these charges against the honorable members from Houston, now holding seats in this body ; and that on the 16th instant, the committee being in session at eight o'clock A. M., they did, then and there, ask that their complaint might be heard, and their witnesses, then present, might be allowed to testify.

That on motion of the honorable member from Lumpkin,

seconded by the honorable member from Floyd, a majority of the committee, then present, did agree to refuse a hearing of this case, setting forth, in the resolution so refusing, the grounds, that this General Assembly had no power, and could not go back of the acts of General George G. Meade, commanding in this State at this time, and by whose order the honorable members from Houston county are now holding seats upon this floor.

Therefore, we, the undersigned members of the committee, beg leave to protest against such action of a majority of the committee then present at said meeting of the 16th instant, because we believe it is the province of the committee to investigate all legitimate charges of contestants to seats now held in the House of Representatives, without any reference to the acts of the Military Commander of this State, futher than those acts may appear as testimony in such cases. And we do most respectfully ask the House that they will now so instruct the Committee on Privileges and Elections, that justice may be done in the premises.

Most respectfully submitted.

JAMES M. SIMMS,
CHAS. O. JOHNSON,
EPHRAIM TWEEDY.

We, the undersigned members of the committee, not present at said meeting, concur in the above.

JAMES PORTER,
JOHN T. COSTIN,
S. A. DARNELL,
W. S. GOODWIN.

Mr. Shumate rose to a point of order, submitting the following, to-wit:

The names of the gentlemen mentioned in the report appear in the order of General Meade declaring who were elected in 1868, and that after the very points now urged against these gentlemen had been urged before the military authorities.

That the act of Congress of December 22, 1869, de-

clared that all persons named in said order, who should appear and take the prescribed oaths, should be members of the present Legislature. It is not now in the power of the House to further consider the matter.

The Speaker reserved his decision of the point of order made, for the purpose of considering the question involved therein.

On motion of Mr. Hall of Meriwether the rules were suspended, and the bill reported by him this day, as chairman of the Finance Committee, to authorize the Governor to borrow money, etc., was read the first time.

The House took up the report of the Judiciary Committee on the bill to create a board of commissioners of roads and revenue in the county of Glynn, the same being the special order for this day.

The following amendments, reported by the Judiciary Committee, were agreed to, to-wit:

In the first section, after the words "Grand Jury of the county," strike out, "and commissioned by the Governor," and insert, "a record of such appointment shall be entered upon the minutes of the Superior Court of said county, and a certificate of such appointment, issued by the Clerk of said court, shall be sufficient warrant to said commissioners to enter upon the discharge of duties as hereinafter set forth."

In the first section, after the words "unless sooner removed," strike out balance of section and insert the following:

"By the Judge of the Superior Court, upon the request of two-thirds of any Grand Jury empaneled at any term of the Superior Court of said county."

The following, offered by Mr. Hall of Glynn, as amendatory of the first section, was also agreed to:

“The first board of commissioners shall be appointed at the next fall term of the Superior Court, which board”—

The bill was further amended by adding to the same the counties of Stewart, Coweta and Morgan.

The report, as amended, was agreed to.

The bill was read the third time and passed as amended.

On motion of Mr. Darnell the bill to create a board of commissioners of roads and revenue for the county of Pickens was made the special order for Tuesday next, at 10 o'clock A. M.

On motion of Mr. Sisson the bill of the Senate to legalize the processes issued by the Clerks of the Superior Courts of the Atlanta Circuit, and for other purposes, was read the second time.

The House took up the report of the committee on the bill to incorporate the Elgin Slate Company, etc.

The report was agreed to. The bill was read the third time and passed.

The House took up the report of the committee on the bill to empower the Mayor and Council of Marietta to levy a tax for the benefit of Marietta Female College.

The report was agreed to. The bill was read the third time and passed.

The House took up the report of the committee on the bill to amend an act entitled an act to incorporate the Memphis Branch Railroad Company, and to grant certain powers and privileges to the same, and for other purposes, approved October 10, 1868.

The report was agreed to. The bill was read the third time and passed.

The same, on motion of Mr. Scott, was ordered to be transmitted to the Senate forthwith.

Mr. Sisson presented a communication in relation to certain public property, which, on his motion, without being read, was referred to the Committee on Public Buildings.

The House took up the report of the Committee on Banks on the bill to incorporate the People's Savings Bank & Trust Company of Savannah.

The same was reported back with the recommendation that it pass as amended in committee.

The report was amended as follows, on motion of Mr. O'Neal of Lowndes, to-wit: add after the last word in the fourth section, "and the individual property of each stockholder shall be liable for all deposits and liabilities."

The report, as amended, was agreed to. The bill was read the third time and passed as amended.

The House took up the report of the committee on the bill to amend an act to incorporate the town of Forrestville, in the county of Floyd, and the State of Georgia, and to appoint commissioners for the same, and for other purposes, and to extend the corporate limits of said town.

The report was agreed to. The bill was read the third time and passed.

The House took up the report of the committee on the bill to provide for the classification of public roads in the counties of Walker, Chattooga, Catoosa and Dade.

The same was amended by adding the counties of Murray, Towns, Gordon, Whitfield, Stewart and Schley.

The report, as amended, was agreed to. The bill was read the third time and passed as amended.

The House took up the report of the Judiciary Committee on the bill to amend an act, approved October 3, 1868, to provide for setting apart a homestead of realty and personalty.

The report, which was adverse to the passage of the bill, was agreed to, and the bill was, therefore, lost.

The House took up the report of the committee on the bill to incorporate the Central Georgia Agricultural & Manufacturing Company, and for other purposes.

The report was agreed to. The bill was read the third time and passed.

The House took up the report of the committee on the bill for the relief of John A. Walden, of the county of Lee.

The report was agreed to. The bill was read the third time and passed.

The House took up the report of the committee on Agricultural & Internal Improvements on the bill to grant to

certain persons therein named the right to dig and mine in the beds of the navigable streams and waters of the State of Georgia.

On motion of Mr. Price the same was made the special order for to-morrow, 11 o'clock A. M.

The hour of 12 M. arrived, and the House proceeded, in accordance with resolution of the 16th instant, to the election of a Speaker *pro tem.*

The whole number of votes cast was one hundred and thirty-one.

Of these seventy-four were cast for the Hon. Ephraim Tweedy, of the county of Richmond.

The Speaker declared that the Hon. Ephraim Tweedy had received a majority of all the votes cast, and was, therefore, duly elected Speaker *pro tem.* of the House of Representatives.

The House then proceeded to the election of a Messenger.

The whole number of votes cast was one hundred and thirty-nine.

Of these seventy were cast for A. H. Gaston, of the county of Bibb.

The Speaker declared that A. H. Gaston had received a majority of all the votes cast, and was, therefore, duly elected Messenger of the House of Representatives.

On motion of Mr. Tumlin, Mark A. Hardin, Esq., was elected Clerk *pro tem.* of the House of Representatives.

On motion of Mr. O'Neal the House adjourned until 10 o'clock A. M. to-morrow

FRIDAY, August 19, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Mr. Crumley.

The Journal was read and approved.

On motion of Mr. Hillyer so much thereof was recon-

sidered as relates to the passage of the bill to incorporate the People's Savings Banks & Trust Company of Savannah.

On motion of Mr. Hall of Meriwether the following bills were taken up and read the second time, to-wit:

A bill to authorize the Governor to borrow money, etc., to pay off the members and officers of the General Assembly, which was ordered to be engrossed.

A bill to authorize the issue of bonds of this State whereby to redeem all bonds, and the interest thereon, now due or falling due, and for funding of the seven per cent. currency bonds, carrying a mortgage on the State Railroad, and for other purposes therein named.

On motion of Mr. Scott 200 copies of the latter bill were ordered to be printed for the use of the House, and the same made the special order for Wednesday next, 24th instant, at 10 o'clock A. M.

On motion of Mr. Hall of Meriwether the bill to repeal an act authorizing the Central Railroad & Banking Company to lease and work certain railroads, and for other purposes, approved January 22, 1852, was recommitted to the Committee on Finance.

The following was submitted by the Speaker as his decision of the point of order made by Mr. Shumate on yesterday, to-wit:

"The organization of this body is formed from certain persons named in the order of General Meade, announcing the result of the election held in April, 1868, and all of those persons who are qualified as provided in the act of December 22, 1869, are entitled to sit as members.

"The members from Houston county having so qualified, are entitled to their seats as members of this body."

Mr. Davis offered the following privileged resolution, which was agreed to:

Resolved, That Messrs. Mitchell, Irwin and Lumpkin of Athens, Georgia, be tendered seats on this floor during their stay in the city.

Mr. Williams of Morgan offered the following resolution :

Resolved, That we hold an afternoon session from 4 to 6 for the exclusive purpose of reading Senate and House bills the first and second time, and continue until all bills are disposed of.

The same was read, and on a motion for its adoption the yeas and nays were required to be recorded.

Those voting in the affirmative are Messrs.—

Atkins,	Holden,	Pepper,
Armstrong,	Harkness,	Prudden,
Anderson,	Hook,	Perkins of Dawson,
Bell,	Hooks,	Perkins of Cherokee,
Beard,	Humber,	Rice,
Brewster,	Harris of Murray,	Rainey,
Brown,	Harper of Sumter,	Rosser,
Barnum,	Harper of Terrell,	Rawles,
Ballanger,	Harrison of Franklin,	Rogers,
Bryant,	Hall of Glynn,	Rumple,
Caldwell,	Johnson of Forsyth,	Strickland,
Cloud,	Kyle,	Simms,
Cleghorn,	Lee,	Shumate,
Cobb,	Lane,	Seale,
Davis,	Lastinger,	Shackleford,
Duncan,	Madden,	Scott,
Felder,	Matthews,	Scroggins,
Fowler,	Maxwell,	Smith of Coffee,
Ford,	McArthur,	Smith of Ware,
Fryer,	Nash,	Tumlin,
Fincannon,	Nisbet of Dade,	Turnipseed,
Gober,	Page,	Vinson,
Gray,	Parks,	Watkins,
Gullatt,	Price,	Walthall,
Hillyer,	Paulk,	Warren of Quitman,
Higdon,	Phillips,	Williams of Morgan.

Those voting in the negative are Messrs.—

Allen of Jasper,	Golden,	McCormick,
Allen of Hart,	Gardner,	Nesbitt of Gordon,
Bethune,	Guilford,	Osgood,
Barnes,	Houston,	O'Neal of Lowndes,
Buchan,	Harden,	O'Neal of Baldwin,
Carson,	Hutchings,	Porter,
Campbell,	Harris of Glascock,	Powell,
Clover,	Harrison of Hancock,	Reid,
Costin,	Hall of Meriwether,	Richardson,
Colby,	Joiner,	Stone,
Cunningham,	Jackson,	Saulter,
Darnell,	Johnson of Towns,	Smith of Charlton,
Ellis,	Johnson of Spalding,	Smith of Muscogee,
Fitzpatrick,	Linder,	Thomason,
Franks,	Madison,	Warren of Burke,
Floyd,	Maul,	Zellars.
Goodwin,	Moore,	

Yeas 78.

Nays 50.

So the rule was not suspended.

Mr. Bethune, chairman of the Committee on Privileges and Elections, made the following report :

Mr. Speaker :

The Committee on Privileges and Elections have had under consideration a bill entitled an act to create a board of supervisors for the county of Chatham, and recommend that the same be referred to the Judiciary Committee.

Said committee have had under consideration the claim of P. H. Brassell to a seat as a Representative from the county of Fayette, and they have instructed me to report that he be seated.

MARION BETHUNE, Chairman.

Mr. Price moved the adoption of the foregoing report.

Mr. Darnell moved to lay this motion on the table.

This motion did not prevail.

The question recurring on the motion to adopt, Mr. Harper of Terrell called the previous question, which was sustained.

The main question was put, and upon this the yeas and nays were required to be recorded.

Those voting in the affirmative are Messrs.—

Atkins,	Harkness,	Perkins of Cherokee,
Armstrong,	Hook,	Rainey,
Anderson,	Humber,	Rosser,
Brewster,	Harris of Murray,	Rawles,
Brown,	Harper of Sumter,	Rumph,
Barnum,	Harper of Terrell,	Sewell,
Ballanger,	Harrison of Franklin,	Strickland,
Bryant,	Hall of Meriwether,	Sisson,
Caldwell,	Hall of Glynn,	Shumate,
Cloud,	Kytile,	Seale,
Cleghorn,	Lee,	Shackleford,
Cobb,	Lane,	Scott,
Duncan,	Lastinger,	Scroggins,
Felder,	Matthews,	Smith of Coffee,
Fowler,	Maxwell,	Smith of Muscogee,
Ford,	McArthur,	Smith of Ware,
Fryer,	Nash,	Turner,
Fincannon,	Nisbet of Dade,	Tumlin,
Gober,	Osgood,	Turnipseed,
Gray,	Parks,	Vinson,
Gullatt,	Price,	Walthall,
Higdon,	Paulk,	Warren of Quitman,
Holden,	Phillips,	Williams of Morgan,
Harden,	Pepper,	Zellars.
Hamilton,	Prudden,	

Those voting in the negative are Messrs.—

Allen of Jasper,	Floyd,	Johnson of Spalding,
Bethune,	Goodwin,	Johnson of Forsyth,
Belcher,	Golden,	Linder,
Beard,	Gardner,	Madden,
Barnes,	Guilford,	Madison,
Campbell,	Hillyer,	Maull,
Clower,	Holcombe,	Moore,
Costin,	Houston,	McCormick,
Colby,	Hutchings,	Nesbit of Gordon,
Cunningham,	Hooks,	O'Neal of Lowndes,
Darnell,	Harrison of Hancock,	O'Neal of Baldwin,
Ellis,	Joiner,	Porter,
Fitzpatrick,	Jackson,	Perkins of Dawson,
Franks,	Johnson of Towns,	Reid,

Rice,
Rogers,
Richardson,
Simms,

Stone,
Saulter,
Smith of Charlton,
Tweedy,

Thomason,
Warren of Burke.
Williams of Harris.

Yeas 74.

Nays 53.

So the motion to adopt the report prevailed.

Mr. Goodwin offered the following resolution, which was read :

Resolved, That all persons who were enumerated in General Meade's order, and who have heretofore admitted their ineligibility, or have failed to make application to be seated, are now entitled to seats on this floor by taking the required oaths.

A motion to suspend the rules for the purpose of taking up the same did not prevail.

Mr. Reid offered the following resolution, which was read, and, on motion, laid on the table, to-wit :

Resolved, That ——— Bell be sworn in as Representative from Worth county upon his complying with the act of Congress of December 22, 1869, he being the next highest candidate to James M. Rouse, who was declared ineligible by the military board who investigated the question of ineligibility of members.

Mr. Barnum, chairman of the Special Committee of Physicians, submitted the following report :

Mr. Speaker :

The Committee of Physicians, to whom were referred the following bills, to-wit : to allow Amos Rahn, of Effingham county, and J. H. Hamon, of Bibb county, to practice medicine in the State of Georgia without license, and collect for the same, beg leave respectfully to submit the following report :

THAT WHEREAS, The State has established and endowed medical colleges, and created medical boards for the pur-

poses set forth in the above bills, we, the committee, deem it unwise and an unjust discrimination against the profession that the said bills should become law, and therefore recommend that they do not pass.

Also, a bill to allow A. W. Allen, an aged and infirm citizen of this State, to peddle horse liniment without license, which the committee recommend do pass.

A bill to regulate the practice of medicine in this State, which the committee recommend do pass, with the following amendments :

By striking out so much of section 2 as requires non-resident physicians to place in a conspicuous part of their office their diploma and license.

Also, so much of section 3 as requires a uniform tax of ten dollars, assessed and collected from each physician so practising, for the State only, and county, city and town authorities shall not assess or collect any additional tax by reason of said profession.

JAMES K. BARNUM,
Chairman.

Mr. Price, chairman of the Committee on Agriculture and Internal Improvements, submitted the following report :

Mr. Speaker :

The Committee on Agriculture and Internal Improvements have had under consideration the following bills, to-wit :

A bill to be entitled an act to protect the agricultural interests of the county of Stewart, and for other purposes therein mentioned, which they recommend do pass as amended.

A bill to be entitled an act to incorporate the Georgia Steam Plow & Transportation Company of Georgia, which they recommend do pass as amended.

A bill to be entitled an act to prevent persons from obstructing Thomas Creek, in the county of Tatnall, which they recommend do pass as amended.

W P PRICE, Chairman.

Mr. Cleghorn, chairman of the Committee on New Counties and County Lines, submitted the following report:

Mr. Speaker:

The Committee on New Counties and County Lines have had under consideration the following bills, to-wit:

A bill to be entitled an act to change the line between the counties of Clinch and Coffee, which they recommend do pass.

A bill to be entitled an act to change the line between the counties of Lowndes and Berrien, which they recommend do pass.

A bill to be entitled an act to change the line between the counties of Thomas and Colquitt, which they recommend do pass.

A bill to be entitled an act to change the line between the counties of Floyd and Gordon, which they recommend do pass.

A bill to be entitled an act to remove the county of Lowndes out of the Southern into the Brunswick Judicial Circuit, and to fix the time of holding the Superior Court of said county, which they return without recommendation, and ask that it be referred to the Committee on the Judiciary.

C. C. CLEGHORN, Chairman.

Mr. Carson, chairman of the Enrolling Committee, submitted the following report:

Mr. Speaker:

The bill to be entitled an act to alter, amend and add to the several acts incorporating the town of Cartersville, and to make valid certain acts of the officers of said town, is duly enrolled, and ready for the signature of the Speaker of the House of Representatives.

WILLIAM C. CARSON,
Chairman Enrolling Committee.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have passed the following bill by a vote of yeas 28, nays 1, in which they ask the concurrence of the House :

A bill to be entitled an act to incorporate the City Bank of Albany, in the city of Albany.

Mr. Fitzpatrick offered articles of impeachment of N. L. Angier, State Treasurer, etc., which were read.

The call of the counties being the regular order of the day, the following bills were introduced and read the first time :

By Mr. Ford—

A bill to alter and amend section 1313, chapter 2, title 13, part 1, of Irwin's Revised Code, and to make the same conform to the constitution of the State.

Also, a bill to authorize the payment of costs due officers of court in Bartow county, and to provide for the same.

By Mr. Bell of Banks—

A bill to incorporate the Gainesville & Rabun Gap Railroad Company, and to grant certain privileges to the same.

By Mr. Lane of Brooks—

A bill to give persons who may be employed in and about any steam saw mill located in the State of Georgia, or to any person or persons who may furnish any steam saw mill so located, with timbers, saw logs, or provisions, or with anything necessary to carry on the work of said mill, a lien of the highest dignity upon said mill, etc.

By Mr. O'Neal of Baldwin—

A resolution providing that the meetings of the Legislature shall be at Milledgeville.

By Mr. Madden—

A bill to create the office of commissioner of roads and revenue for the county of Burke.

On motion of Mr. O'Neal the special order of the day was passed over for the present for the purpose of taking up the following resolutions of the Senate :

1. *Resolved*, That the proposition of the City Council of Atlanta, to donate the bonds of the city to the amount of one hundred and thirty thousand dollars ; any ten acres of unoccupied land within the corporate limits of the city, and to furnish, free of cost to the State, a mansion suitable for the use of his Excellency the Governor for the term of ten years, in lieu of her present contract with the State to furnish a capitol building for the term of ten years, be, and is hereby, accepted.

2. *Resolved*, That the proposition of the Messrs. Kimball for the sale to the State of the capitol building, and the fixtures, furniture, etc., be, and is hereby, accepted.

3. *Resolved*, That a committee of one from the Senate and one from the House of Representatives be appointed to examine into the titles and arrange all the details, upon the basis of the propositions of the Messrs. Kimball and the City Council ; and, on the application of said committee, the Governor be, and he is hereby, authorized to issue to the Messrs. Kimball seven per cent. bonds of the State, having twenty years to run, reserving in his possession a sufficient amount of said bonds to secure the return to the State of the \$54,500 paid by his Excellency the Governor to the Messrs. Kimball ; and it shall be the duty of said committee to see the said amount of \$54,500 is returned to the State.

Upon the question of concurring in the same, Mr. Tweedy called for the previous question, which was sustained.

The main question was put, and upon this the yeas and nays were required to be recorded.

Those voting in the affirmative are Messrs.—

Atkins,
Armstrong,
Allen of Jasper,
Allen of Hart,

Bell,
Brassell,
Bethune,
Belcher,

Beard,
Barnes,
Buchan,
Carson,

Campbell,	Hutchings,	Porter,
Clower,	Hooks,	Powell,
Costin,	Harris of Murray,	Perkins of Dawson,
Colby,	Harrison of Hancock,	Perkins of Cherokee,
Cunningham,	Hall of Meriwether,	Reid,
Darnell,	Hall of Glynn,	Rice,
Davis,	Joiner,	Rogers,
Duncan,	Jackson,	Richardson,
Ellis,	Johnson of Towns,	Sewell,
Evans,	Johnson of Spalding,	Strickland,
Floyd,	Johnson of Forsyth,	Stone,
Fowler,	Lee,	Sisson,
Goodwin,	Lastinger,	Shumate,
Gober,	Linder,	Smith of Charlton,
Golden,	Madden,	Smith of Muscogee,
Gardner,	Maxwell,	Tweedy,
Gray,	Mull,	Thomason,
Guilford,	Moore,	Turner,
Gullatt,	Nesbit of Gordon,	Tunlin,
Hillyer,	O'Neal or Lowndes,	Warren of Burke,
Holden,	Page,	Williams of Harris,
Harden,	Parks,	Zellers.

Those voting in the negative are Messrs. --

Anderson,	Houston,	Phillips,
Brewster,	Hamilton,	Pepper,
Brown,	Harkness,	Prudden,
Ballanger,	Hook,	Rainey,
Bradford,	Harper of Sumter,	Rosser,
Caldwell,	Harper of Terrell,	Rawles,
Cloud,	Harrison of Franklin,	Rumph,
Cleghorn,	Kytle,	Simms,
Cobb,	Lane,	Saulter,
Fitzpatrick,	Madison,	Shackleford,
Felder,	McArthur,	Scott,
Ford,	McCormick,	Scroggins,
Fryer,	Nash,	Smith of Coffee,
Fineannon,	O'Neal of Baldwin,	Turnipseed,
Higdon,	Price,	Vinson,
Holcombe,	Paulk,	Warren of Quitman.

Yeas 78.

Nays 48.

Mr. Humber paired off with Mr. Erwin.

Mr. Walthall paired off with Mr. Williams of Haralson.

So the resolution was concurred in.

Mr. Phillips gave notice that he would move a reconsideration of the same to-morrow.

Mr. Shumate rose to a privileged question, stating that he noticed that his name was mentioned in the articles of impeachment of Hon. N. L. Angier as one of the managers of the House to prefer and prosecute said articles of impeachment; that he had refused, and still refuses, to have his name used for this purpose.

The House took up the special order of the day, to-wit: the report of the committee on the bill to grant to certain persons therein named the right to dig and mine in the beds of the navigable streams and waters of the State of Georgia for phosphate rock and phosphate deposits.

Mr. Fitzpatrick moved the indefinite postponement of the bill, which motion was lost.

On motion of Mr. Price the same was recommitted to the Committee on Agriculture and Internal Improvements.

The following message was received from the Senate, through Mr. Mills, their Secretary:

Mr. Speaker

The Senate have passed the following bills, in which they ask the concurrence of the House:

A bill to be entitled an act to amend an act entitled an act to loan the credit of the State to the Dalton & Morganton Railroad Company, and for other purposes, approved March 18, 1869.

A bill to be entitled an act to incorporate the Thomasville Loan & Trust Company.

Mr. Hamilton, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

The Committee on Corporations have had under consideration the following bills:

A bill to be entitled an act to authorize trustees of Le

Vert College to convey the same to South Georgia Conference, which they recommend do pass.

A bill to be entitled an act to incorporate Protection Hook & Ladder Company, No. 1, of Talbotton, which they recommend do pass.

A bill to be entitled an act to incorporate the town of Butler, in the county of Taylor, which they recommend do pass.

A bill to be entitled an act to amend the charter of the city of LaGrange, and to confer additional powers to the Mayor and Council of said city, which they recommend do pass as amended.

A bill to be entitled an act to incorporate Van Wert, in the county of Polk, and to appoint commissioners for the same, and for other purposes therein mentioned, which they recommend do pass.

A bill to be entitled an act to incorporate the town of Blackshear, which they recommend do pass.

A bill to be entitled an act to incorporate the town of Acworth, and for other purposes, which they recommend do pass.

A bill to be entitled an act to incorporate the village of Spring Vale, in the county of Randolph, and for other purposes therein mentioned, which they recommend do pass.

A bill to be entitled an act to incorporate the Eatonton & Union Point Railroad Company, which they recommend do pass.

A bill to be entitled an act to amend the charter of the city of Atlanta, authorizing the creation of a board of health, making fire limits, extending the corporate limits, and for other purposes, which they recommend do pass.

A bill to be entitled an act to incorporate the Dalton & Northeastern Alabama Railroad Company, which they recommend do pass.

A bill to be entitled an act to incorporate an insurance company in the city of Columbus to be called the Home, Fire & Marine Insurance Company of Columbus, Georgia, which they recommend do pass as amended.

A bill to be entitled an act to amend the charter of the city of Atlanta, so as to allow a registration of the municipal voters, which they recommend do pass as amended.

A bill to be entitled an act to incorporate the American Industrial Agency, which they return without recommendation.

A bill to be entitled an act to incorporate the Contractors' Association, which they also return without recommendation.

W D. HAMILTON, Chairman.

Mr. O'Neal, chairman of the Judiciary Committee, submitted the following report :

Mr. Speaker :

The Judiciary Committee have had under consideration the following bills, to-wit :

A bill to be entitled an act to enforce and prohibit the further violation of section 29, article 1, of the Constitution of Georgia, which they recommend do not pass.

A bill to be entitled an act to amend an act entitled an act for the more efficient preservation of peace and good order on election days in this State, which they recommend do not pass.

A bill to be entitled an act to amend section 4736 of Irwin's Code of Georgia, which they recommend do pass.

A bill to be entitled an act to alter and amend sections 4725, 4726, 4732, 4733, 4734, 4735, 4736, 4737, 4738, 4739, 4741, 4749 and 4751 of Irwin's Revised Code, in relation to the city of Savannah, Georgia, which they recommend do not pass.

JOHN W O'NEAL, Chairman.

Mr. Cobb offered the following resolution, which was agreed to :

Resolved, That Colonel A. S. Cutts be invited to a seat on this floor during his stay in this city.

Mr. Osgood offered a resolution, which was agreed to, tendering seats to Colonels Julien Hartridge and Rufus E. Lester, and Isaac Russell, Esq., of Savannah.

Mr. Fitzpatrick offered the following resolution, which, on motion of Mr. Scott, was taken up:

WHEREAS, It is currently reported and believed that certain parties interested in the sale and purchase of the Opera House have used undue influence on some of the members of this Legislature; therefore, be it

Resolved, That a special committee of five from the House and three from the Senate be appointed to investigate and inquire whether any money, or other thing of value, has been given, or promised, to any member of this Legislature for the purpose of controlling his or their votes on the capitol question. Said committee shall have power to send for persons and papers and administer oaths. Said committee shall report at the earliest practicable moment.

The same was, on motion, agreed to.

On motion of Mr. Shumate the memorial of John Caldwell, of Fulton county, was recommitted to the Committee on Petitions.

On motion of Mr. Bethune the Senate bill to change the time of holding the Superior Court for the county of Marion was taken up.

The report was agreed to. The bill was read the third time and passed.

The call of the counties was resumed, and the following bills were introduced and read the first time:

By Mr. Parks—

A bill to incorporate the town of Norcross, in the county of Gwinnett.

By Mr. Pepper—

A bill to alter and amend an act entitled an act to regu-

late the manner of giving in land for taxation, and the sale and redemption thereof, and for other purposes, approved 12th December, 1866; to declare certain lands forfeited to the State, and to authorize the granting of the same, and for other purposes herein named.

B. Mr. Moore—

A bill to enforce the Bible in schools, academies and universities.

By Mr. Davis—

A bill to appropriate fifteen hundred dollars to the Fire Department of the city of Athens, to enable the department to protect Franklin University, etc.

By Mr. Gray—

A bill to loan the credit of the State to the Trion Railroad Company in this State.

By Mr. Cleghorn—

A bill to incorporate Perseverance Mining Company, in the county of Paulding, State of Georgia.

By Mr. Turnipseed—

A bill to alter and amend the road laws of this State so far as relates to the county of Clay.

By Mr. Anderson—

A bill to relieve from road duty in this State certain persons therein specified.

By Mr. Osgood—

A bill to define the offense of cheating and swindling.

Also, a bill to explain the meaning of the act to define and regulate the laws governing the twelve months' allowance for the support of widows and children.

Also, a bill to amend an act entitled an act to incorporate the Georgia Historical Society, assented to December 19, 1839.

Also, a bill to amend sections 4651 and 4654 of Irwin's Revised Code, and more particularly to regulate the issuing of peace warrants within the corporate limits of the city of Savannah.

Also, a bill to regulate the term of service of petit jurors in the Superior Court of Chatham county.

Also, a bill to incorporate the Commercial Gas Light Company of Savannah.

By Mr. Phillips—

A bill to change the 876th paragraph of Irwin's Revised Code so as to give owners the privilege of redeeming lands in one year.

By Mr. Cloud—

A bill to regulate the practice of dentistry in this State.

By Mr. Thomason—

A bill to allow G. W. Keeglar and L. T. Keeglar to peddle without license.

By Mr. Zellars—

A bill to lay off and organize a new county out of the counties of Campbell and Carroll.

The Speaker announced the following members as constituting the committee under the resolution of Mr. Fitzpatrick, to-wit:

Messrs. Fitzpatrick, Goodwin, Duncan, Tumlin and Maxwell.

The following message was received from the Senate, through Mr. Mills, their Secretary:

Mr. Speaker:

The Senate have passed the following bills, in which they ask the concurrence of the House:

A bill to be entitled an act to change the county line between the counties of Macon and Sumter.

Leave of absence was granted Messrs. Hall of Bulloch, Harrison of Franklin, Perkins of Cherokee, Johnson of Towns, Erwin, Campbell, Ellis and Powell, for a few days on special business.

On motion of Mr. Williams of Morgan it was ordered that when the House adjourn it meet at 4 o'clock to complete the call of the counties.

The hour of adjournment having arrived, the House adjourned until 4 o'clock p. m.

4 O'CLOCK P. M.

The House met pursuant to adjournment, the Speaker in the chair.

The call of the counties was resumed, when the following bills were introduced and read the first time, to-wit:

By Mr. Shumate—

A bill for the relief of M. G. Collins, James K. Bard, and others, sureties on the official bond of Timothy Ford, late Tax Collector of Whitfield county.

By Mr. Fowler—

A bill to authorize W. J. Whitsitt, administrator of Robert W. Lender, deceased, to settle with the widow of deceased, and legalize the same.

By Mr. Hillyer—

A bill providing for an election in Camden county to determine upon the removal of the county site.

Also, a bill to prevent persons from peddling tobacco in the several counties of this State without license.

Also, a bill to incorporate the Okefenokee Canal, Land and Improvement Company.

By Mr. Smith of Charlton—

A bill to authorize certain persons to remove obstructions in Spanish Creek, and for other purposes.

Also, a bill to establish a State Board of Agriculture, and for other purposes therein mentioned.

By Mr. Reid—

A bill to purchase limbs for disabled citizens of this State.

By Mr. Houston—

A bill to legalize the wife and children of persons who have never been married.

By Mr. Rawles—

A bill to change the time of holding the Superior Court in the counties of Bryan, McIntosh and Effingham.

By Mr. Holcombe—

A bill to make it lawful for legal voters of the city of Atlanta to vote for Mayor in any one of the wards in the city: *Provided*, No person shall vote more than once at the

same election, and to prevent any person from voting for Councilmen for any other ward than the one in which he actually resides at the time of voting.

Also, a bill to allow the members of the Council of the city of Atlanta in each ward, who, at the next election, receives the highest number of votes, to hold his office for two years, and the one receiving the next highest vote to hold his office for one year, and at each subsequent election to allow but one member in each ward to be elected, who shall hold his office for two years.

By Mr. Wilchel—

A bill for the relief of Henry G. Bagwell, of the county of Hall.

This bill, on motion of Mr. Scott, was by the Speaker ruled out of order as unconstitutional.

By Mr. Holcombe—

A bill to authorize Martha Todd, administratrix of the estate of Richard C. Todd, deceased, to sell to the highest bidder, on any day except Sunday, on giving the notice required by law, lot of land number seventeen, in the fourteenth district of now Fulton county, on said lot instead of at the court-house.

By Mr. Sisson—

A bill to authorize the sale of personal property at any place within the corporate limits of the city of Atlanta.

By Mr. Gullatt—

A bill to repeal the second section of an act to change the line between the counties of Lumpkin and Dawson, and between Fulton and Clayton, assented to December 19, 1860.

By Mr. Hall of Glynn—

A bill to require insurance companies doing business in this State to publish yearly exhibits.

Also, a bill for the relief of certain parties therein named.

Also, a bill to repeal the Usury Laws of this State.

By Mr. Maxwell—

A bill to incorporate the McDonough Western Railroad

Company, and loan the credit of the State to said company, and for other purposes.

Also, a bill to fix and define the fees of Ordinaries, Surveyors and Clerks of the Superior Court in application for setting apart a Homestead of Realty and Personalty in this State.

By Mr. Brewster—

A bill to exempt from jury duty certain members of West Point Fire Company.

By Mr. Duncan—

A bill to amend an act incorporating the Atlanta Acid & Fertilizing Company, and the Macon Acid & Fertilizing Company, to manufacture sulphuric acid and fertilizers, passed by the General Assembly in 1869.

Also, a bill giving banks and banking companies liens in certain cases, and providing for the enforcement thereof.

By Mr. Hutchings—

A bill to amend section 4664 of Irwin's Code.

By Mr. Linder—

A bill to amend sections 4664, 4665 and 4666 of the Code of Georgia, and to make colored women, and the father of their bastard child or children, subject to all the proceedings, pains and penalties contained in said sections.

By Mr. Golden—

A bill regulating the sale of ardent spirits in Liberty county.

By Mr. Price—

A bill to appropriate fifty per cent. of the State tax of Lumpkin county to the building of a jail in said county.

Also, a bill to make certain persons holding money, received under order of court, subject to rule.

Also, a bill to authorize the Superintendent of the Western & Atlantic Railroad to convey to the Macon & Western Railroad certain land in exchange for certain land now owned by the said Macon & Western Railroad.

By Mr. Hall of Meriwether—

A bill to compensate the grand and petit jurors of Meriwether county.

Also, a bill to authorize the Treasurer to pay the inter-

est on the bonds of the State that are past due, in all cases where the principal has not been heretofore received.

Also, a bill to provide means for the full equipment and repairing of the Western & Atlantic Railroad, and for other purposes therein mentioned.

By Mr. Harden—

A bill to amend an act to incorporate the town of Conyers, and for other purposes.

Also, a bill to fix the compensation for jurors in the county of Newton, and for other purposes.

By Mr. Tweedy—

A bill to amend an act entitled an act to facilitate the sale of real estate in Georgia, and to encourage immigration thereto.

Also, a bill to authorize and require the Comptroller-General and Treasurer to audit and settle the tax account of John A. Bohler, Tax Collector of Richmond county.

Also, a bill to establish a board of public education for the city of Augusta, and county of Richmond.

By Mr. Hook—

A bill to change the line between Milton and Cherokee counties.

By Mr. Smith of Muscogee—

A bill to amend the act to incorporate the Columbus Railroad Company, approved March 9, 1866.

By Mr. Maull—

A bill to incorporate the Lincoln Medical College of Georgia.

By Mr. Strickland—

A bill to legalize juries drawn for the September term 1870, of Paulding Superior Court, and to authorize jury commissioners to revise jury boxes in said county.

By Mr. Walthall—

A bill to incorporate Cedar Town, in the county of Polk, and for other purposes therein mentioned.

By Mr. Prudden—

A bill to lay off and organize a new county out of the counties of Whitfield, Walker and Catoosa, and for other purposes.

By Mr. Buchan—

A bill to remove the county site of the county of Pulaski.

By Mr. Tumlin—

A bill to alter and amend the road laws of this State, so far as they relate to the counties of Randolph and Clay.

By Mr. Bryant—

A bill to incorporate the Augusta & Louisville Railroad Company, and for other purposes.

By Mr. Beard—

A bill to extend the present limits of the city of Augusta.

By Mr. Holden—

A bill to authorize the trustees of Crawfordville Academy to sell the land and building thereon, known as Crawfordville Academy.

Also, a bill to relieve Leroy W Davis, of the county of Whitfield.

By Mr. Harper of Sumter—

A bill to incorporate the Americus & Isabella Railroad Company, and loan the credit of the State to the same.

Also, a bill to incorporate the Flint River Bridge Company, in the counties of Sumter and Dooly, and for other purposes therein named.

By Mr. Rumph—

A bill to incorporate the town of Joseph, in the county of Wayne, and confer certain powers on the commissioners therein named.

By Mr. Hooks—

A bill to compensate the grand and petit jurors of Wilkinson county.

By Mr. Johnson of Towns—

A bill for the relief of Jackson Kilpatrick, a maimed and indigent soldier, in the county of Towns.

By Mr. Bethune—

A bill for the relief of Valereous W Wynn.

By Mr. Humber—

A bill to amend section 4428 of Irwin's Code.

By Mr. Tweedy—

A bill to incorporate the Great Southern Railway Company.

By Mr. Rosser—

A bill for the relief of the road commissioners of Webster county.

By Mr. Turner—

A resolution in relation to discharged Penitentiary convicts.

Leave of absence was granted Mr. Hook for a few days on special business.

SATURDAY, August 20, 1870,
10 o'clock A. M.

The House met pursuant to adjournment, the Speaker in the chair.

Prayer by the Rev. Mr. Crumley.

The Journal was read.

Mr. Hall of Meriwether moved a reconsideration of so much thereof as relates to the action of the House, making the special order for Wednesday next the bill "to authorize the issue of bonds of this State, whereby to redeem all bonds, and the interest thereon, now due or falling due, and for funding the seven per cent. currency bonds, carrying a mortgage on the State Railroad, and for other purposes therein mentioned."

This motion, after debate, was withdrawn.

Mr. Scott moved that the Journal of yesterday be corrected for the following reasons, to-wit :

The Journal of the 16th instant shows that on that day, while the original resolution in regard to the purchase of the Opera House was pending, a substitute therefor was offered by Mr. Watkins, referring the whole question to the people, which, together with the original, was laid on the table; that on yesterday the whole subject-matter was taken up, and the Journal did not show any action on the

substitute, which, under the rules, took precedence of the original resolution.

The Speaker ruled as follows, to-wit :

“ A motion was made on yesterday to take up from the table the Senate resolution looking to the purchase of this building. The motion prevailed. This motion brought the whole subject before the House with pending amendments. The previous question was called, which brought the House to a direct vote upon the main question in its then amended or unamended condition. The Speaker, therefore, ruled that the Journals are as perfect as it is possible for them to be.”

From this decision Mr. Scott took an appeal.

The ruling of the Chair was ordered to stand as the judgment of the House.

Mr. Turnipseed moved a reconsideration of so much of the Journal as relates to the action of the House on yesterday concurring in the Senate resolutions for the purchase of the Opera House as the Capitol of the State.

Mr. Lee called the previous question, which was sustained.

The main question was put, and upon this the yeas and nays were required to be recorded.

Those voting in the affirmative are Messrs.—

Anderson,	Harper of Terrell,	Rosser,
Brewster,	Kytle,	Rawles,
Brown,	Lane,	Rumph,
Ballanger,	Lindsey,	Shackleford,
Caldwell,	Madden,	Scott,
Cobb,	Matthews,	Scroggins,
Fitzpatrick,	McCormick,	Smith of Coffee.
Fryer,	Nash,	Smith of Ware,
Higdon,	O'Neal of Baldwin,	Turnipseed,
Holcombe,	Price,	Vinson,
Hamilton,	Phillips,	Watkins,
Harkness,	Pepper,	Warren of Quitman,
Harper of Sumter,	Rainey,	

Those voting in the negative are Messrs.—

Atkins,	Allen of Hart,	Belcher,
Armstrong,	Brassell,	Beard,
Allen of Jasper,	Bethune,	Barnes,

Bradford,	Hillyer,	Nesbit of Gordon,
Buchan,	Holden,	O'Neal of Lowndes,
Carson,	Harden,	Page,
Campbell,	Hughes,	Parks,
Clower,	Hutchings,	Porter,
Costin,	Hooks,	Perkins of Dawson,
Colby,	Harris of Murray,	Reid,
Cunningham,	Harris of Glascock,	Rice,
Darnell,	Harrison of Hancock,	Rogers,
Davis,	Hall of Meriwether,	Richardson,
Duncan,	Hall of Glynn,	Sewell,
Evans,	Joiner,	Strickland,
Franks,	Jackson,	Stone,
Floyd,	Johnson of Spalding,	Saulter,
Fowler,	Johnson of Forsyth,	Sisson,
Fincannon,	Lee,	Shumate,
Goodwin,	Lastinger,	Smith of Charlton,
Gober,	Linder,	Smith of Muscogee,
Golden,	Madden,	Tweedy,
Gardner,	Maxwell,	Tumlin,
Gray,	Maull,	Warren of Burke,
Guilford,	Moore,	Williams of Harris,
Gullatt,	Nisbet of Dade,	Zellers.

Yeas 38.

Nays 78.

Mr. Paulk paired off with Mr. Powell.

Mr. Ford paired off with Mr. Ellis.

Mr. Johnson of Towns paired off with Mr. Cloud.

Mr. Thomason paired off with Mr. Felder.

Mr. Harrison of Franklin paired off with Mr. Bell.

Mr. Humber paired off with Mr. Erwin.

So the motion to reconsider did not prevail.

Mr. Fitzpatrick gave notice that he would move a reconsideration of so much of the Journal as relates to the adoption of a resolution appointing a committee to investigate and report whether any undue influences were employed in the passage of the resolutions in regard to the purchase of the capitol building.

Mr. Duncan rose to a question of privilege, asking to be excused from service on the committee appointed under the resolution last mentioned.

Mr. Harper, chairman of the Committee on Petitions, submitted the following report:

Mr. Speaker:

The Committee on Petitions have had under consideration the following bill, to-wit:

A bill to be entitled an act to legalize the marriage of General Reid and Ella Hicks, and to relieve them from all the pains and penalties of a second marriage, which they recommend do pass.

F M. HARPER, Chairman.

The following message was received from his Excellency the Governor, through Mr. Atkinson, his Secretary, to-wit:

Mr. Speaker:

I am directed by his Excellency the Governor to deliver to the House of Representatives a communication in writing with accompanying documents:

Mr. Price, chairman of the Committee on Agriculture and Internal Improvements, submitted the following report:

Mr. Speaker:

The Committee on Agriculture and Internal Improvements have had under consideration the following bills:

A bill to be entitled an act to authorize the removal of obstructions from the Oostanaula and Coosawattee Rivers, and for other purposes therein mentioned, which they recommend do pass as amended.

A bill to be entitled an act to incorporate the Crisson Sluice-Washing & Quartz Mining Company of Lumpkin county, which they recommend do pass.

W P PRICE, Chairman.

Mr. Price, chairman of the Committee on Agriculture and Internal Improvements, submitted the following report:

Mr. Speaker:

The Committee on Agriculture and Internal Improvements, to whom was referred the message of his Excel-

lency Governor Bullock, transmitting the report of the Superintendent of Public Works in regard to obstructions in the Coosa River, have had the same under consideration, and beg leave to report to the House the accompanying bill, entitled an act to appropriate ten thousand dollars for the improvement of the Coosa River within the limits of the State of Georgia, and to appoint commissioners for that purpose, and for other purposes.

The following message was received from his Excellency the Governor, through Mr. Atkinson, his Secretary, to-wit:

Mr. Speaker:

The Governor has approved and signed the following act, to-wit:

An act to amend, and alter and add to the several acts incorporating the town of Cartersville, and to make valid certain acts of the officers of said town.

The Speaker announced Mr. Tweedy as the committee on the part of the House under the Senate resolutions on the subject of purchasing the capitol building.

Leave of absence was granted Messrs. McWhorter, Hooks, McDougald, Colby, Cloud, Erwin, Neal, Felder and Cobb, for a few days on special business.

A resolution offered by Mr. Harper of Sumter, tendering a seat on this floor to Col. W. A. Hawkins, was agreed to.

The House, on motion, adjourned until 10 o'clock A. M. Monday.

MONDAY, August 22, 1870,

10 o'clock A. M.

The House met pursuant to adjournment, Hon. Ephraim Tweedy, Speaker *pro tem.*, in the chair.

Prayer by the Rev. Mr. Crumley.

The Journal was read and approved.

The motion of Mr. Fitzpatrick to reconsider so much of the Journal of Friday last as relates to the adoption of a resolution appointing a committee to inquire whether undue influences were employed for the passage of the Senate resolutions, purchasing the capitol building, was taken up as the unfinished business of Saturday.

The motion to reconsider prevailed, and the resolution was withdrawn from the further consideration of the House.

On motion of Mr. Hall of Meriwether the House took up the report of the committee on the bill to authorize the Governor to borrow sufficient money on the credit of the State, on such terms as to him shall seem best, to pay off the members and officers of the General Assembly.

The report was agreed to. The bill was read the third time and passed.

The same was ordered to be transmitted to the Senate without delay.

Mr. Rice, chairman of the Committee on Education, submitted the following report:

Mr. Speaker :

The Committee on Education, to whom were referred several bills to establish a system of public instruction, have had the same under consideration, and beg leave to report the accompanying bill as a substitute for the whole.

J. MASON RICE,
Chairman Committee on Education.

On motion of Mr. Rice the substitute mentioned in the foregoing report was made the special order for to-morrow at 10 o'clock A. M., and two hundred copies thereof ordered to be printed for the use of the House.

Mr. Hall of Meriwether, chairman of the Finance Committee, submitted the following report:

Mr. Speaker :

The Committee on Finance have had under consideration the following bills, to-wit:

A bill entitled an act to authorize the county of Houston to subscribe one hundred and fifty thousand dollars to the Fort Valley & Hawkinsville Railroad Company, and to provide for the issuing of bonds for said purpose, which they recommend do pass.

A bill to allow W S. Ashworth to peddle in this State without paying tax or license, which they recommend do pass as amended.

A bill to prescribe the method of paying certain jailors' fees, etc., which they recommend do not pass.

A bill to be entitled an act to authorize the Trustees of Glynn County Academy to issue change bills to the amount of one thousand dollars, which they recommend do pass.

A bill to appropriate two thousand dollars for the benefit of those afflicted with diseases of the eyes, etc., which they recommend do not pass.

A bill for the relief of James A. Bradford, Julius J. Clapp, and others, which they recommend do not pass.

Also, an act to enforce the eighth section of an act to levy and collect a tax for the support of the Government for the year 1869, and for other purposes, approved March 18, 1869, which they recommend do not pass.

Also, a bill to allow W H. Howard to peddle without license, which they recommend do pass as amended.

W H. F. HALL,

Chairman Finance Committee.

Mr. O'Neal, chairman of the Committee on the Judiciary, submitted the following report :

Mr. Speaker :

The Judiciary Committee have had under consideration the following bills, to-wit :

A bill to be entitled an act to amend the charter of the Planters' Warehouse Company of the city of Macon, which they recommend do not pass.

A bill to be entitled an act to extend, continue and renew the banking privilege of the Central Railroad & Banking Company of Georgia, which they recommend do pass.

A bill to be entitled an act to allow compensation to the various Ordinaries of the State of Georgia for county services, which they recommend do not pass.

A bill to be entitled an act to amend an act entitled an act to prohibit the sale of agricultural products in the counties of Lowndes, etc., which they recommend do pass as amended.

A bill to be entitled an act to amend an act to require the Reporter of the Supreme Court to publish the decisions of the Supreme Court in pamphlet form, and to provide for the distribution of the same, and for other purposes, which they recommend do pass.

JOHN W O'NEAL, Chairman.

Mr. Hamilton, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

The Committee on Corporations have had under consideration the following bills:

A bill to be entitled an act to incorporate the town of Hogansville, in the county of Troup, etc., which they recommend do pass.

A bill to be entitled an act to amend an act to incorporate the town of DeSoto, in the county of Floyd, approved January 22, 1852, which they recommend do pass.

A bill to be entitled an act to incorporate the Chattahoochee Air-Line Railroad Company, and for other purposes therein mentioned, which they recommend do pass.

A bill to be entitled an act to amend an act entitled an act to incorporate the city of Americus, and to alter and amend an act entitled an act to incorporate the town of Americus, in Sumter county, Georgia, which they recommend do pass.

A bill to be entitled an act to incorporate the town of Harlem, in the county of Columbia, and to appoint commissioners of the same, and for other purposes therein mentioned, which they recommend do pass.

W D. HAMILTON, Chairman.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have passed the following bill, in which they ask the concurrence of the House :

A bill to be entitled an act for the relief of Jeddediah D. Garrison, of Coweta county.

The Senate have also adopted a resolution declaring Jno. C. Hendrix, Esq., their Secretary *pro tempore*.

Mr. Harper of Terrell moved a suspension of the rules for the purpose of introducing a resolution prohibiting the introduction of new matter after Wednesday next.

The motion did not prevail.

Mr. Hall of Glynn moved a suspension of the rules for the introduction of a resolution in relation to water communication between Omaha, Nebraska, and the Atlantic coast of Georgia.

The motion to suspend the rules did not prevail.

Mr. Fitzpatrick offered the following privileged resolution :

WHEREAS, It is currently reported that certain members of the Legislature, and others in authority, have used undue influence for the purpose of controlling votes in favor of the purchase of the Kimball Opera House for a State Capitol ;

Therefore be it resolved, That a committee of five from this House be appointed for the purpose of investigating what influence, if any, was brought to bear upon members of this House in favor of the purchase. Said committee shall consist of the following Representatives : Hons. James Fitzpatrick, Dunlap Scott, Turnipseed, Maxwell and Harper of Terrell. Said committee shall have power to send for persons and papers, and to administer oaths, and report to this House as early as practicable.

Mr. Madden moved to lay the resolution on the table.

Mr. Williams of Morgan called the previous question, which was sustained.

The main question was put and the resolution lost.

On motion of Mr. Duncan the memorial of Rebecca B. Cohen and Perla S. Solomons was recommitted to the Committee on Finance.

On motion of Mr. Lee the following communication from his Excellency the Governor was taken up, read and referred to a special committee of seven:

EXECUTIVE DEPARTMENT,
ATLANTA, GEORGIA, August 20, 1870.

To the General Assembly :

I transmit herewith a copy of a communication received from the Secretary of War, dated September 14, 1869, to which the attention of your honorable body is invited.

RUFUS B. BULLOCK.

WAR DEPARTMENT,
WASHINGTON CITY, September 14, 1869.

To his Excellency the Governor of Georgia :

SIR—Under the authority of section 2 of the act of April 28, 1828, and upon the recommendation of the honorable Attorney-General, I have the honor to request that, at such time as you may deem proper, application be made to the State Legislature for its assent to the purchase of land, already made by the United States, under the act of February 22, 1867, for the purposes of a National Cemetery at Andersonville and at Marietta, and for the session of exclusive legislation over the same, as required by section 8, article 1, of the Constitution of the United States, subject to the provisions of section 1 of the act of March 2, 1795.

Very respectfully, your obedient servant,

W T. SHERMAN,
Secretary of War.

The committee appointed by the Chair under the foregoing motion consists of Messrs. Lee, Bryant, Shumate, Anderson, Hillyer, Zellars and Costin.

On motion of Mr. Bell the following message of his Excellency the Governor was taken up and read, to-wit:

ATLANTA, August 15, 1870.

To the General Assembly:

I transmit herewith the memorial of the Judges of the Superior Courts, adopted in convention at the capitol.

Also, the special reports of the Judges of the Superior Courts, as prescribed by section 4569 of the Code.

The annual report of the Secretary of State.

The supplemental report of the Comptroller-General.

The annual report of the Superintendent of Public Works for the year ending June 30, 1870.

The report of the Trustees, Superintendent and Resident Physician and Treasurer of the Lunatic Asylum for the year 1869.

The report of the Principal Keeper of the Penitentiary for the year 1869.

The eighteenth annual report of the Board of Trustees of the Georgia Academy for the Blind.

The fifteenth annual report of the Board of Commissioners of the Georgia Institution for the Education of the Deaf and Dumb.

The report of the State Librarian.

Reports of inspectors of fertilizers.

Report of the Western & Atlantic Railroad.

The judiciary system provided by the new Constitution seems to meet with the almost unanimous approval of the people. By its provisions the Inferior and County Courts are abolished, and the jurisdiction hitherto exercised by them is transferred to the Superior and District Courts. The District Courts being as yet unorganized, the business of the Superior Courts has increased to such an extent in a number of the circuits as to clog the administration of justice. The dockets are crowded, suitors are delayed, jurors are detained at a sacrifice of their personal interest,

and an amount of labor is imposed upon the Judges which they are frequently unable to perform. By the act creating a criminal court for each county, by virtue of which a criminal jurisdiction is extended to Justices of the Peace, and Notaries Public *ex officio* Justices of the Peace, in certain cases, the Superior Courts are relieved of many minor cases that might otherwise have come before them; still, many of the Superior Court Judges are overtasked. Besides the increase in litigation resulting from the changes in our status by the war, the number of litigants has also greatly augmented. Heretofore the courts seldom entertained a cause arising between parties, other than among the white population. Now all persons, irrespective of color or condition, are entitled to a judicial investigation of their rights in dispute arising out of the ordinary transactions of life. Every person may now become a litigant, and already the increase of business from this source is everywhere felt. As the former slave population become better educated and increase in intelligence; as they begin to acquire property and particularly an interest in the soil, the same causes that create litigation among the white population will produce it among them. Prior to the war it required sixteen judicial circuits to transact the business of the country, and that, too, when the Inferior Courts, entertaining a certain common law jurisdiction concurrent with the Superior Courts, to a considerable degree relieved these courts of a large amount of business which they now have to entertain. From these facts it is apparent that there is great necessity for increasing the present number of judicial circuits, as recommended in the memorial of the Convention of Judges of the Superior Courts, that two new judicial circuits be created in the southern and southwestern portions of the State, and that other circuits be so remodeled or reformed as to equalize the labors of all.

Complaints are general that the dignity and independence of the judiciary are too often invaded by an offensive and indiscriminate criticism and abuse of the opinions and charges of Judges, of the verdicts of juries and the testimony of witnesses, when delivered before judicial tri-

bunals. To remedy these evils, it should be a contempt of court to question, in offensive terms, in or out of court, the opinion of the Judge, the verdict of the jury, or the evidence of witnesses. Justice cannot be safe in the hands of those who have to account for their acts—except to those appointed by the law to take cognizance of their abuse. Power must be lodged somewhere, and the conduct of the Judges, under all administrations, has shown that there can be no safer depositories of it than with them.

Judges are compelled to decide, witnesses to swear, and jurors to find verdicts. If the former err the Supreme Court corrects. If done corruptly, the Senate can impeach. If witnesses swear falsely, they can be punished; and if jurors err, a new trial can be granted; but who is to redress them when, for the discharge of duty, they are subject to abuse and violence? And what cause can be secure, decided under such threatenings, or even apprehension of them? Their rights, and more especially the rights of suitors, demand the utmost security against any intimidation, by words or acts, of those who are entrusted with the power of deciding the cause of litigants.

Restore to the Judges the common law power of punishing contempts, under the terrors of impeachment, and they will not be abused as the reckless and irresponsible now abuse their license for evil.

The Judiciary Department of the Government comes home to the rights of the citizens more than all others, and should have ample power to perform its office without fear or favor. The liberty of the lawless is tyranny to the law-abiding.

Attorneys, who have special privileges in courts, should not only be liable to punishment for contempt, but to dismissal from the bar if the presiding Judge should deem the offense sufficient; for officers of court having extraordinary privileges should be held to the strictest good behavior to judges, witnesses, jurors and parties.

I, therefore, recommend that such additional sections be

engrafted on the Code as will restore to the judiciary its ancient dignity and independence.

Supplement this with such a revision of the jury box as will place therein the name of every "upright and intelligent" colored man in each county, and exclude therefrom every man who has joined any oath-bound organization, whereby he was sworn to support its membership against all lawful authority, and in opposition to the laws of Congress granting civil and political rights to colored men, and we may reasonably hope that by the rigid administration of justice under the forms and process of civil law, republican institutions can and will be maintained without the intervention of independent physical force.

Let the ballot-box be fairly represented in the jury-box, and the restive feeling of injustice on the part of one class of our citizens will pass away. Prevent men from sitting on the jury who are bound by a secret oath to violate their official oaths as jurors, and to find as innocent the guilty members of their "Klan," and the civil law, sustained by the upright and intelligent of all classes, will again become the bulwark of our liberties and the protection for our homes, our persons, our political rights and our property.

The present inadequate compensation of the judiciary is also a matter to which I invite your special attention. The Judges, who have the most important, laborious and responsible offices in the State, are the least paid. The office of Judge of the Superior Court, which requires the highest order of talent, learning and character, is not as well remunerated as are many of the clerks, who are pursuing the avocation of ordinary mercantile business. Taking into consideration the necessary traveling expenses of the Judges, they cannot receive, net, more than eight or ten hundred dollars per annum, an amount less than is often received as a single fee by members of the legal profession.

How can we expect to retain the best talent for such compensation? It is generally conceded that the present judiciary of the State is equal, if not superior, in ability, integrity and moral worth to any that has served her in the

past, and will compare favorably with that of any State in the Union. Their compensation should be commensurate with their admitted ability and with the exalted responsible and honorable station they occupy. The Constitution provides that the Judges shall have "adequate and honorable salaries;" the present salaries are far from "adequate," and are much less "honorable," but should be promptly made so. Looking, therefore, to a wise and wholesome administration of the law, and believing that the interest of the State will be thereby promoted, I recommend that the salaries of the Supreme Court Judges be fixed at five thousand dollars, and the Superior Court Judges at three thousand five hundred dollars.

DISTRICT COURTS.

To secure a more just and correct administration of certain parts of the criminal law, I recommend the immediate repeal of all laws giving to Justices of the Peace the administration of the penal code, and the early organization, by proper legislative enactment, of the District Courts, as provided for in the Constitution of the State. The general dissatisfaction with the law as administered by the Justices of the Peace, their occasional want of legal experience and the misconception of their powers and duties in frequent instances, which are brought to the notice of the Executive, imperatively demand the repeal of the law investing them with the wide discretion they now exercise.

To establish personal security and personal liberty are the highest duties of government, as they are the dearest rights of the citizen. These rights are too important to be entrusted to any but the higher tribunals, presided over by men of learning and experience in the law. The power to punish by restraining the liberty of the citizen should be invested only in courts commanding, by their dignity and importance, the confidence and respect of the people. The County Criminal Courts, as at present organized, do not command this respect. Whilst the officers exercising the judicial functions of Justice of the Peace are honest

and conscientious in the discharge of their duties, still, in too many instances, their want of legal information makes it dangerous to the public good that they should be clothed with the important powers which they now wield. Let the District Courts be at once established upon the ideas and within the lines indicated by the Constitution; vest them with the criminal jurisdiction now exercised by Justices of the Peace, and, in addition, extend to them an exclusive jurisdiction in suits which shall not exceed one thousand dollars, except suits involving titles to land. Give to all your Judges such honorable and liberal salaries as will secure the continuance upon the bench of your purest, best and ablest lawyers. Arm them with power sufficient to restrain the violence of the lawless, in or out of the court-house, and to command the confidence and support of the law-abiding, and the judiciary executing the civil law will become, what the Constitution intended it should be, the main pillar of the State, and the protecting *Ægis* of every citizen, from the humblest to the most exalted.

RE-CODIFICATION OF THE CODE.

In this connection I would respectfully invite the attention of your honorable body to the pressing necessity which exists for a careful re-codification of the book of laws known as "Irwin's Code." First, that the statutes be made to harmonize with the new Constitution; and, second, that many of the irregularities and inaccuracies which are found to exist in the present edition be corrected.

It is deemed important that this work should be performed by some one person, so that the whole work may be made to harmonize. I would, therefore, respectfully recommend that authority be given for the employment of a person of the proper legal ability, with sufficient compensation to insure the devotion of his entire time to the work until completed; and that his work be from time to time submitted for revision and approval to the Judges of the Supreme Court, and that the approval of a majority of

that Court be authority for the revised edition of the Code taking effect as law.

RELIEF MEASURES.

The action of the Constitutional Convention in providing for the setting apart of two thousand dollars of (gold value) real estate and one thousand dollars (gold value) of personal property, under the homestead exemption, has proved of vast benefit to the great masses of our people, whose material resources were prostrated by the sudden and unexpected collapse of the rebellion, and destruction of the money value of the colored people, who were thus made free.

The action of the Constitutional Convention, by which the courts were to be deprived of the right to hear cases arising out of contracts made before June, 1865, was not approved by Congress, and hence the holders of obligations, contracted by people upon their faith in the continuance of the then value of these resources, are now pressing in the courts to compel a settlement of principal and interest, and, if not restrained by proper legislation, these creditors would not hesitate to grasp the widow's mite to satisfy their mercenary claims.

While it is true the law should furnish every facility to enforce contracts made between citizens, it cannot be urged, with any degree of wisdom, moderation or justice, that citizens shall be forced to labor the balance of their lives to satisfy debts which were incurred by them at a time when they were surrounded by an abundance to meet such claims. This abundance and ability to meet their obligations has been swept away by the results of a war that was inaugurated by a class of men who are now, as a general rule, the holders, to a great extent, of this very class of obligations.

The great mass of the agriculturists and merchants were opposed to the dogma of secession, but were wrecked in the whirlpool created by the political leaders. To compel this class of our people to respond in present currency

to these old claims is to declare that white men are to be made slaves to the creditor, because the black slave upon whose money value the credit was given has been set free.

I would, therefore, earnestly recommend that such legislation be promptly enacted by your honorable body as will throw every possible shield around this class of unfortunate debtors to protect them from the heartless exactions and executions of the Shylocks who demand the full measure of their bond.

JUDICIAL REPORTS.

The special report of Judge Andrews, of the Northern Superior Court Circuit, contains many valuable suggestions. The county of Warren, which has heretofore become notorious for the violent proceedings of its Ku-Klux organizations is one of the counties in the Circuit presided over by the honorable Judge, and he is thus forced to report that his "Circuit has been grievously infested by masked assassins, who, riding generally of nights, have committed many murders and other crimes." Speaking further of these "masked assassins," the Judge says: "In the beginning the object seems to have been political, and to summarily punish the black; it now seems to be used also to appease in some cases private revenge."

It will be observed that this report was written in February last, since which time, under the efficient control of the United States military authorities in Warren and adjacent counties, these bands of cut-throats and robbers, who disgrace their race, have, to a great extent, ceased their midnight orgies, but it will be wise for your honorable body to enact such legislation as will prevent a recurrence of the scenes which have brought so great a reproach upon the State.

THE REPORT OF THE SECRETARY OF STATE.

Notwithstanding the risk of loss and injury incurred by the two removals of the large mass of records, maps and

papers belonging to the office of the Secretary of State, and also that of Surveyor-General, which has been consolidated with the office of Secretary of State, the records, etc., are now in good order, and all the books and papers necessary for daily use are readily accessible. Some books of record require to be re-bound, and some of the maps to be renewed.

The attention of your honorable body is especially invited to the recommendation of the Secretary of State in regard to the titles to wild lands. The value of these lands is rapidly increasing, and applicants for opportunity to investigate the wild land books are daily becoming more frequent on the part of those in search of titles.

In the course of these investigations many errors have been detected. In many cases lots of land have been granted twice, or oftener, or have been recorded in the wrong book by some predecessor of the present efficient officer. These errors cause much trouble and loss of time, and demand immediate attention and suitable provision for their correction. It is desirable that the books should be thoroughly revised and indexed, showing in the index the name of the drawee and grantee of each lot, its number, district and section; and I would recommend that the necessary authority be given, or provision be made, whereby this service can be properly performed.

I also concur in the recommendation of the Secretary of State, that the act of the General Assembly of October 10, 1868, extending the time for granting lands under head-rights, be re-enacted for two years. Thousands of lots in the various land and gold lotteries of this State, in former years, have never been given in for taxation by the present or former owners, and hundreds of lots have been abandoned or lost sight of by the original owners or their representatives. The lands, to all intents and purposes, have reverted to the State, and justice to the tax-paying citizen demands that this property should be made to bear its share of the burdens of taxation.

I also concur in the recommendation of the Secretary of State, that such wild lands as have, or have not, paid taxes

to the State for the space of two years, or for such term as your honorable body may determine, be re-granted, upon such conditions as are prescribed by the law of 1814; and, for the purpose of encouraging the settlement and improvement of said lands, preference should be given to actual settlers and occupants. Such a measure would not only bring revenue to the State, but would insure titles to lands for which now no valid claim of title can be obtained.

I also concur in the recommendation of the Secretary of State, under date of August 4, 1870, that that officer be authorized to make a digest of all laws in reference to grants of land and reserves, and appropriations thereof, from the date of the act authorizing the opening of the land office in 1783, and comprising all laws relating to head-rights, and the laws authorizing the various lotteries, up to the present date; and that he be instructed to report said digest in time to be presented to the next session of the General Assembly. The well-established legal reputation of the present Secretary, and his familiarity with the laws and records on the subject referred to, lead me to confidently recommend favorable action upon these suggestions, believing that the digest prepared in this manner will be very valuable to all parties interested, or becoming interested, in the lands of the State, and will be of great benefit in quieting titles, as well as promoting the sale and an increase in the value of real estate.

Communications received at the office of the Secretary of State, from parties in other States, inquiring as to the title and tenure of lands within this State, are very considerable in number, and, for the want of a digest as suggested, the Secretary of State is unable to make responses which will be satisfactory to the applicants.

In this connection I would respectfully suggest to your honorable body the propriety of providing for a thorough geological survey of the State; that a competent and efficient officer be employed for that purpose, and that he be provided with proper rooms in the capitol where specimens from the various portions of the State, as the results

of his research, can be exhibited in such a manner as to disclose to the inquirer at the capitol a very considerable knowledge of the value and character of the resources of the several sections of the State.

SUPPLEMENTAL REPORT OF THE COMPTROLLER-GENERAL.

I also transmit the supplemental report of the Comptroller-General, submitted January 12, 1870, in regard to wild lands, maimed soldiers, Convention tax, tax on printing material, State tax, official seal and insurance. This supplemental report is very fully and carefully prepared, and discloses, in regard to wild lands, the result of a careful analysis and compilation by Mr. A. J. Bell, who was appointed, under the provisions of section 878 of the Code, to prepare a list of unreturned wild lands in this State for the year 1868.

The statistical information given by Mr. Allen J. Bell, the clerk in charge of the wild land department, is very complete, and will be valuable in aiding your honorable body to perfect such legislation upon the subject of wild lands as your wisdom shall dictate.

The Comptroller-General recommends the repeal of the wild land law of 1866. The provisions of that law requiring all lands to be returned for taxation, by district, number and section, in every instance is found to work injury to many people who are unable, for various reasons, (some of them the fault of the official heretofore in office in not keeping a correct record,) to make the return as required. Under the provisions of that law, unless wild lands are so described, it amounts to no return at all, and the land is liable to be reported as in default and subject to levy and sale, although the owner may have made the best return he could, and actually paid the tax on it. The Comptroller-General, however, does not wish to be understood as recommending the abandonment of the present list of unreturned wild lands for 1868.

In regard to commutation, in money, for maimed soldiers who have not been provided with artificial limbs, the re-

commendations of the Comptroller-General are respectfully submitted for the consideration of your honorable body; as also his suggestions in regard to provision for the payment of the indebtedness incurred, and still due, on account of the Constitutional Convention.

It having been decided that the tax act levied a tax upon printers' presses, material, etc., used in newspaper offices and for publishing books, an Executive order was issued, under authority of section 70 of the Code, suspending the collection of the tax until the meeting of the next General Assembly. And the attention of your honorable body is invited to the question as to whether it was the purpose of the General Assembly to levy a tax upon necessary material, machinery, etc., used in the printing and publication of newspapers, and the publication of books, etc. I believe that it has been the general custom and purpose of the Legislature to lay as few restrictions as possible upon the means through which intelligence is communicated to the general public.

I, also, commend the suggestions of the Comptroller-General, that tax notices be printed in large, legible type, and posted in at least four conspicuous places at each county site, in lieu of, or in addition to, the present system of giving notice to the public.

I would, also, recommend that authority be given for the purchase of an official seal for the Comptroller-General's office.

The act, approved March 19, 1869, relating to insurance business in this State, has been successfully inaugurated, and is believed to give general satisfaction, and, no doubt, to a great extent, increases the security of policy holders.

REPORT OF THE SUPERINTENDENT OF PUBLIC WORKS.

The report of the Superintendent of Public Works contains much valuable statistical information as to the public buildings, the maps of the State, the shoals of the Coosa River, and the railroads of this State; the cost of construction, the amount of stock issued, the character of the roads built, etc.

In regard to the public buildings, I would respectfully recommend to your honorable body the propriety of making provision for the re-fitting of the old capitol building and Executive mansion at Milledgeville, and placing them in proper condition for the uses of a State University, with the view of providing, by similar endowment, to that now extended by the State to the University at Athens, for the establishment and support of a University at Milledgeville, for colored students. I am quite sure that it will not be necessary for me to present any argument to sustain the fact that justice to a very large portion of our citizens, as well as good policy, requires that early provision be made by your honorable body, so that separate facilities shall be afforded to colored students, equal in kind and character to those now furnished to white students in the State University at Athens.

The condition of the railroads which have issued bonds indorsed by the State is fully reported. An indorsement has been placed by the State upon the first-mortgage bonds of the several railroads to the amount of four millions sixteen thousand dollars (\$4,016,000.) To secure the prompt payment of principal and interest upon these bonds, the State holds the first lien upon the whole property of the several roads, amounting, in the aggregate, to nine millions two hundred and seven thousand dollars, (\$9,207,000) with the statutory right of taking possession of the property upon the failure of the roads, or any of them, to meet their engagements. The average rate of indorsement has been about eleven thousand dollars per mile, and this amount covers scarcely one-third of the property covered by the State lien as security.

The progress which has been made by the roads under State indorsement, since 1868, has, with one exception, been very satisfactory, and, I may say, quite astonishing.

Of the Macon & Brunswick Road, about 100 miles have been completed since the last-named date, and the road is now in full operation between Macon and Brunswick.

The Alabama & Chattanooga Railroad, running from Chattanooga through Dade county, in our State, has con-

structed its 24 miles through the State, and is now far advanced through Alabama, towards its objective point at Meridian, Mississippi.

The South Georgia & Florida Railroad has been completed from Thomasville to Albany, a distance of some 80 miles, and is now in successful operation, making a nearly air-line north and south rail communication through Georgia, from Lake Michigan to the Florida Gulf.

The Brunswick & Albany Railroad, upon which State indorsement was authorized in March, 1869, has already completed about 90 miles of its main roadway, which is now in successful operation, and the road will, in all probability, be completed to Albany by January next.

The Cartersville & Van Wert Railroad, work upon which was commenced in January, 1870, is being rapidly constructed, and will be completed to the quarries at Van Wert by September or October next.

The Georgia Air-Line Railroad, however, which was the first of the roads in 1868 to receive the indorsement of the State, has, I regret to say, made but little progress, its first twenty miles having been only recently placed in a condition to ask for the State's indorsement; and from the report made by the State Engineer, of the character of its construction, and its general condition, it was a subject of serious consideration with me whether my duty did not require a refusal to make the indorsement. But, knowing the great desire which exists on the part of the people through that section of our State for the completion of this great air-line route to the North, and, in the hope that better management would prevail and more progress be made in the future, I gave the indorsement for the first twenty miles.

The tardy operations of the Georgia Air-Line Railroad is strongly, but fairly, illustrated by the Superintendent of Public Works, when he says:

Being the second road to which State aid was extended, it has, as yet, laid down but one section of iron, while, during the same period, the Macon & Brunswick Road has built between eighty and ninety miles, the South-Georgia & Florida Road, seventy-three miles, the Albany & Brunswick Road, seventy miles.

The suggestions and recommendations of the Superintendent of Public Works are commended to your favorable consideration. The report reflects credit upon the efficient officer in charge.

Previous to the late recess of your honorable body a resolution was adopted restraining payments from being made to the Superintendent of Public Works and the clerk employed in his office; and I feel it to be my duty to call the attention of your honorable body to the fact that the services of such an officer are essential and necessary to the interests of the State.

The office of State Engineer was created by an act, approved December 20, 1820, which defines his duties and the manner of his election. By joint resolution, approved December 20, 1824, the Governor was authorized to appoint the Engineer. By joint resolution, approved December 20, 1826, certain duties were ordered and directed to be performed by an engineer. A resolution was adopted by the Legislature of 1866, directing the appointment of an engineer, but was afterwards rescinded because the Governor already had the power to make the appointment. A joint resolution was approved September 21, 1868, defining the duties, etc., of said Engineer or Superintendent of Public Works. The office has been in existence under the various titles of State Engineer, Engineer, Superintendent of Public Works, etc., from 1820 to the present time; and the records show that the Governor has always exercised the power of appointing an engineer, whenever the services of such an officer were needed. And I would, therefore, respectfully recommend to your honorable body that suitable provision be made for compensating the present officer, and for the employment by him of such clerical aid as may be actually necessary to perform the duties of his position and carry out the instructions of the General Assembly.

THE LUNATIC ASYLUM.

The report of the Trustees, Superintendent, etc., of the Lunatic Asylum, gives a full statement of the condition

and operation of that important institution. The attention of your honorable body is urgently invited to the necessity for making proper provision whereby idiots may be kept entirely separated from the insane. And also, to the pressing necessity for further provision to accommodate the insane colored people. It is desirable that buildings of a suitable character should be added to, or constructed adjacent to, the present institution, whereby separate and sufficient provision may be made for the treatment of idiots, and also for the equal and separate accommodation and treatment of insane colored citizens. There is, perhaps, no public charity which commends itself so strongly to the better judgment of our citizens as the proper care, kind attention and professional treatment of the insane.

The appropriations asked for by the Trustees and Superintendent amount, in the aggregate, to \$89,000. And I would respectfully suggest to your honorable body that it would be wise economy to authorize the appropriations asked for.

The aggregate number of patients treated during the period covered by the report is 464. Of these, 69 were idiots, and 60 epileptics, leaving the number of lunatics 335. Of the 464, 224 were males, and 220 were females; 44 have died, 3 escaped, and 37 have been discharged. Of the deaths, 13 were idiots, 17 were epileptics, and 10 of advanced age. There were in the institution, January 1st, 1870, male patients 196, female patients 184, making a total of 380.

The theory of the law providing for the government of this institution is very correct, but the practice for many years past has been such as to defeat the purposes of the law.

The several functions of Board of Trustees, Superintendent and Resident Physician have been absorbed by one official, and by reason of the time occupied in controlling the material and financial concerns of the asylum, the undivided professional study and practice due from the Resident Physician to the unfortunate patients has not been secured. I am encouraged to believe, however, that

the present Board of Trustees will correct these evils, and will enforce such rules and regulations as will enable each of the officials to give their undivided attention to the several departments of the institution to which each may be assigned.

THE PENITENTIARY.

The report of the Principal Keeper of the Penitentiary exhibits the condition of that institution, together with interesting statistical information and suggestions, to which the attention of your honorable body is invited.

The number of convicts in the Penitentiary, on January 1, 1869, was 343. Received up to January 1, 1870, 162, making a total of 505, of which 80 have been pardoned, 9 have escaped, 9 have died, and 14 have been discharged. The indebtedness of the Penitentiary is reported at \$7,713 97, and claims against individuals for articles manufactured at the Penitentiary, and sold under previous administrations, amount to \$18,670 10. A large proportion of this indebtedness, claimed as an asset, is regarded as worthless, and has remained unpaid for many years.

Under and by virtue of an act of the General Assembly, adopted in 1869, the able-bodied convicts are worked under contracts made by the State with Messrs. Grant, Alexander & Co. The result of this system has proved advantageous to the State, both in the fact that it has saved the large expense heretofore incurred in supporting the Penitentiary and in the transportation of the convicts from the counties where sentenced, and also in the fact that the labor of the convicts has been directed to the construction of new lines of railroad within the limits of the State.

A committee of your honorable body having, during the recent recess, given a thorough and careful examination of the conduct of the lessees under the contract, I refrain from making any recommendations in regard to this matter.

ACADEMY FOR THE BLIND.

The report of the Trustees of the Georgia Academy for the Blind gives the evidence of the uniform, careful econ-

omizing of its resources and successful training of the pupils, which have heretofore characterized the reports of that valuable institution. The appropriation asked for is but \$11,000, and is not in excess of that heretofore annually appropriated. And this appropriation your honorable body is respectfully recommended to make.

The appropriations for the institution during the year 1869, inclusive of the \$2,500 specially appropriated for fencing and repairs, are \$14,404 07. The disbursements have been \$13,581 46.

The number of pupils in the institution is 33, of whom 15 are males and 18 are females, all of them from different counties in this State, except one male from Louisiana, and one female from Florida.

DEAF AND DUMB ASYLUM.

In the report of the Board of Commissioners of the Georgia Institution for the education of the deaf and dumb many valuable suggestions are made, to which the attention of your honorable body is respectfully invited. The appropriation of \$8,000 made for the support of this institution during the past year being \$4,000 less than that of the previous year, was found entirely insufficient to support the institution, and arrangements by which an additional advance of \$4,000 was temporarily provided for were found necessary. I would, therefore, earnestly recommend that the appropriation of \$12,000 asked for, for the present year, be authorized, and that an additional appropriation of \$4,000 be made to cover the deficiency of the past year.

The Board of Commissioners call attention to the fact that no provision is made for the payment of the traveling expenses of the commissioners attending the meetings of the board, and that they are compelled to give their personal attention to the wants of the institution at stated intervals, which involves loss of time to themselves, as well as the cost of the necessary traveling expenses. I would, therefore, respectfully recommend that authority be

given for the payment of the actual expenses incurred by the commissioners in attending meetings of the board, and per diem, compensation for the time actually engaged in going to, attending and returning from such session. The compensation authorized to be paid to visitors to the University at Athens would, perhaps, be a proper basis for payment to this Board of Commissioners.

The report contains a list of the names of the pupils, of whom 35 are males and 31 females, making a total of 66. The exhibit of the steward's disbursements gives an itemized account of every expense which has been incurred, and the articles for which such expense was made, and amount, in the aggregate, to \$9,646 84. The total disbursements, as shown by the abstract of the Treasurer's account, has been \$15,515 45.

The fostering care of a great commonwealth is never more wisely or more humanely exercised, than in the establishment and liberal maintenance of those institutions which have not only for their object the gathering in, and support of that class of citizens, the members of which have been deprived by their Creator of those senses that are necessary to place within their reach the ordinary avocations of life, the ability and the opportunity to perform the duties of citizens, and the means of rendering enjoyment and pleasure in life possible of attainment, but in which, also, provision is made for imparting to those who, without the aid of such institutions, would be a constant burden upon the community, a knowledge of those arts which make life useful, and of those accomplishments which make life graceful. The afflictions that render the establishment of such institutions necessary are thus greatly ameliorated.

The benefits derived, and the blessings which flow from a policy so wise, so liberal and so humane, rest alike upon the State and upon the beneficiary. Upon the State, in that she raises a citizen, perhaps, from pauperism, at least from worthlessness and dependence, confers upon him the power to perform the duties of a citizen; and upon the beneficiary, in that he has bestowed upon him knowl dge,

an understanding of some trade or art, and the means of an independent livelihood.

To these great benefits, and to these great blessings, we cannot be indifferent. Hitherto our State has not been backward in sustaining this wise policy. But the attention of your honorable body is urgently invited to the increasing needs of these institutions, and a liberal appropriation and provision sufficient to meet their present needs and future wants, and to establish them upon a firm and prosperous footing, is respectfully recommended.

The memorial of the Supreme Court Judges is concise, and is respectfully recommended to the favorable consideration of your honorable body.

REPORT OF THE STATE LIBRARIAN.

The report of the State Librarian is full and complete, showing that during the last year there have been 360 volumes added to the library, in addition to the delivery of the several volumes of the reports of the Supreme Court, Journals of the House and Senate, etc. Favorable action of your honorable body is recommended upon the recommendation of the Librarian in regard to the distribution and binding of the reports; also, to the necessity for reprinting of some of the earlier volumes of the reports of the Supreme Court.

The statistical table accompanying the report of the Librarian shows in detail what volumes of reports are now in the offices of the several clerks of the Superior Court, and also those in keeping of the several Ordinaries. By another table, exhibit is made of the books belonging to, and furnished by the State in the offices of the clerks of the Superior Court and the Ordinaries of the several counties.

The favorable attention of your honorable body is also respectfully invited to the recommendation of the Librarian, that serious inconvenience might be avoided by the establishment in each county of two law libraries, each containing a complete set of Georgia Reports, either full

or condensed, and such digests of them as may have been published; a set of the Statutes at Large of the United States, the Journals of each branch of the General Assembly, Journals of the several Constitutional Conventions, etc.; one of these libraries to be under the control of the Clerk of the Superior Court, and the other under the control of the Ordinary; these officers to give sufficient and separate bonds for the delivery to their successors in office of such printed books and documents as may be furnished them from the State Library.

The catalogue of the books, documents, papers, etc., in the Library, which has been prepared by the present Librarian, will be found to be a complete inventory of all the property contained in that important office of the Executive Department. I would earnestly recommend that your honorable body provide a liberal appropriation, in order to supply many broken sets of books, particularly in that portion of the Library relating to the law.

By the efficient and persistent efforts of the present Librarian, many books belonging to the Library, which, under prior administrations, had been allowed to pass beyond the control of the Librarian, have been recovered, and, under the rules which are now in force, it is believed that none of the books belonging to the State will be allowed to pass beyond the control of the Librarian.

INSPECTORS OF FERTILIZERS.

I transmit the reports made by several of the officers who were appointed to inspect fertilizers, under the act of September 17, 1868, and commend the suggestions and recommendations of those officers to the consideration of your honorable body.

WESTERN & ATLANTIC RAILROAD.

I transmit the report of the Western & Atlantic Railroad for the fiscal year ending October 1, 1869:

The total receipts were.	\$1,138,300 63
The total disbursements.	822,195 75
Excess of receipts.	\$ 316,105 08
Ratio of working expenses.	58 58-100 per cent.

THE QUARTERLY REPORT FOR THE QUARTER ENDING JULY 1, 1870,

Gives receipts for the last quarter of this year at.	\$320,165 23
And the total expenses.	394,190 22

Of this amount \$112,411 42 were extraordinary expenses,
viz :

For new rails	\$76,678 36
For new cars.	14,368 25
For new, and repairs to, depot buildings.. . . .	13,921 68
For spikes, wheels, etc.	7,453 13

If these extraordinary expenses had not been met, the amount paid into the Treasury for the last quarter would have been, say \$100,000, unless accidents, likely to result from insecure track and insufficient machinery, should have reduced this amount.

I have believed that a wise economy and proper management of the road demanded that it be placed in first-class order, and I have, therefore, approved the expenditures necessary for new rails, cars, etc., to accomplish this result.

I have been willing to endure the censure of the thoughtless, who complain of the management of the road, rather than allow this great State property to be temporarily patched up at a nominal expense, and to the risk of the lives of the thousands who pass over it. Still greater outlays are necessary to put the whole line in first-class order, with sufficient equipment to transact, without delay, the largely-increasing business.

I respectfully submit to the consideration of your honorable body whether it is not wise to provide means for the immediate restoration of the road to proper condition, rather than defer it to be accomplished gradually from its earnings.

RUFUS B. BULLOCK.

On motion of Mr. Williams of Morgan the foregoing message was referred to the appropriate committees.

On motion of Mr. Bryant two hundred copies were ordered to be printed for the use of the House.

Mr. Rawles moved a suspension of the rules for the purpose of reading bills the third time.

The motion did not prevail.

The call of the counties for the introduction of new matter being the regular order of the day, the following bills and resolutions were introduced and read the first time, to-wit:

By Mr. Harper of Terrell—

A bill to regulate the collection of publishers' fees for county advertising.

By Mr. Harper of Sumter—

A bill to legalize certain acts of the Mayor of the city of Americus.

Also, a bill authorizing the Mayor and City Council of the city of Americus to issue bonds for railroad purposes, and for other purposes therein mentioned.

By Mr. Cobb—

A bill to amend an act entitled an act to incorporate the city of Americus, and to amend an act entitled an act to incorporate the town of Americus, Sumter county, Georgia.

By Mr. Bryant—

A bill to repeal section 34 of the act, approved February 15, 1856, entitled an act to organize the Court of Common Pleas for the city of Augusta, and to change the name thereof, and give it criminal jurisdiction in certain cases, etc.

By Mr. Darnell—

A bill to change the line between the counties of Cherokee and Pickens.

Also, a bill to change the line between the counties of Cherokee and Pickens.

Both bills accompanied by petition.

By Mr. McArthur—

A bill to alter and amend an act to incorporate the

Darien Banking Company, approved March 4, 1869, and to change the name of the same.

Also, a bill for the relief of Malissa D. Wilkes, of Montgomery county.

By Mr. Hall of Meriwether—

A bill to declare the law as to the various attempted suspensions of the statutes of limitation.

Also, a bill to carry into effect the seventeenth section of the fifth article of the Constitution of Georgia.

By Mr. Price—

A bill to add certain lots now in Lumpkin county, including the residence of R. J. Castleberry, to the county of Dawson.

By Mr. Gallatt—

A bill to limit the hours of labor, constituting eight hours a day's labor.

By Mr. Sisson—

A bill to establish a City Court in the city of Atlanta.

By Mr. Fryer—

A bill to secure the payment of cost for Tax Collectors, Sheriffs, Constables, etc.

Also, a bill to incorporate the town of Blakeley, Early county, and for other purposes.

Also, a bill exempting certain persons from jury duty in Early county.

By Mr. Armstrong—

A bill to authorize Joseph Hotzeman, of the county of Dougherty, to peddle anywhere in this State without license.

By Mr. Joiner—

A bill to authorize the Ordinary of Dougherty county to levy an extra tax to build a bridge at Albany, Georgia.

By Mr. Vinson—

A bill to authorize the Ordinary of Crawford county to make titles to certain property for church purposes.

By Mr. Osgood—

A bill to authorize the Ordinary of Chatham county to pass accounts for magistrates' and constables' costs in certain cases, and for other purposes.

By Mr. Cleghorn—

A bill to repeal section 765 and section 766 of Irwin's Revised Code, and the following substituted and enacted in lieu thereof.

By Mr. Pepper—

A bill to alter and amend an act entitled an act to incorporate the town of Morgan, in Calhoun county, and for other purposes.

By Mr. Rice—

A bill to add the county of Columbia to the Northern Judicial Circuit, and the county of Glascock to the Middle Circuit, and for other purposes.

By Mr. Turner—

A bill to amend the Constitution of Georgia so as to enable females to vote.

Also, a bill to authorize the Governor to appoint a commission to codify the laws.

By Mr. Johnson of Spalding—

A bill to repeal section 4428 of Irwin's Code.

The following resolution, offered by Mr. Hillyer, was, on motion, taken up, read and agreed to :

WHEREAS, There was an act passed in 1869, establishing a Domestic and Foreign Commissioner of Immigration, and an appropriation of ten thousand dollars to carry into execution the provisions of said act;

AND WHEREAS, Said act required said commissioners to report to the Governor the plan they have adopted, and the results of said plan ;

Therefore be it resolved, That his Excellency the Governor be, and is hereby, requested to communicate to this body any and all information in relation to the success or failure of said commission, together with the amount of money expended, directly or indirectly, in the prosecution of said commission.

Mr. Hall of Glynn offered a resolution relative to water communication between the Mississippi Valley and the Atlantic Coast of Georgia, which was, on his motion, referred to the Committee on Internal Improvements.

Mr. Fitzpatrick presented the following protest, which was ordered to be spread upon the Journal :

PROTEST.

In the name and in behalf of forty-five hundred electors of Bibb county, I most earnestly protest against the action of the House of Representatives in the purchase of the Kimball Opera House for a State Capitol.

I protest against it because it has deprived the people of Georgia of a voice in the selection of a capital site and the location of the same.

I protest against it because I believe the purchase of the Kimball Opera House for a State Capitol to be an outrage upon a majority of the tax-payers of this State.

(Signed)

JAMES FITZPATRICK,

Representative of Bibb County.

Mr. Price moved that when the House adjourn this day, it adjourn to meet at 4 P. M., and hold until 6 P. M., for the purpose of reading bills the first and second times.

Mr. Fowler offered a substitute therefor regulating the hours of meeting and adjournment, providing for two sessions each day.

On motion of Mr. Hall of Glynn the whole subject-matter was laid on the table.

By Mr. Johnson of Spalding—

A bill making the crime of arson and burglary punishable with death.

By request of the Speaker, the Speaker *pro tem.* announced that Presley Wright had been appointed Assistant Messenger of the House, and would enter upon the duties of that office.

On motion of Mr. Turner the following resolution was taken up :

Resolved, That all prisoners discharged or pardoned

from the Penitentiary shall be released by the Principal Keeper at the gates of the Penitentiary.

Mr. Hillyer offered the following as a substitute therefor :

Resolved, That a joint committee of the General Assembly, consisting of three from the House and two from the Senate, be appointed to hold a conference with the Principal Keeper of the Penitentiary, and the lessees, and arrange for the receiving and discharging of prisoners, and other matters pertaining to the interest of the State and the welfare of the convicts.

The substitute was adopted, and the following members were announced as the committee thereunder :

Messrs. Hillyer, Turner and Parks.

Leave of absence, for a few days on special business, was granted Messrs. Brewster, Shumate and Armstrong, and to Mr. Reid on account of sickness.

The House adjourned until 9 o'clock A. M. to-morrow.

TUESDAY, August 23, 1870,
9 o'clock A. M.

The House met pursuant to adjournment, Hon. Ephraim Tweedy, Speaker *pro tem.*, in the chair.

Prayer by the Rev. Dr. Brantly.

The Journal was read and approved.

Mr. Osgood, by permission of the House, introduced the following bill, which was read the first time, to-wit :

A bill to incorporate the Georgia & European Steamship Company, and for other purposes.

The House took up the report of the committee on the bill to incorporate the North Georgia & Tennessee Rail-

road Company; to grant certain powers and privileges to the same, and for other purposes.

This bill was referred to the Committee on Corporations, and reported back with the recommendation that it do pass with amendments.

The report was agreed to.

Mr. Goodwin called for the previous question, which was sustained.

The bill was read the third time, and, the main question being put, the yeas and nays were required to be recorded.

Those voting in the affirmative are Messrs.—

Atkins,	Gardner,	Nisbet of Dade,
Anderson,	Gray,	Nesbit of Gordon.
Allen of Jasper.	Gullatt,	Osgood,
Allen of Hart.	Hillyer,	Page,
Bethune,	Higdon,	Parks,
Beard,	Houston,	Price,
Barnum,	Hamilton,	Paulk,
Ballanger,	Hughes,	Porter,
Bryant,	Hutchings,	Perkins of Dawson.
Carson,	Humber,	Rice,
Clark,	Harris of Murray,	Rainey,
Caldwell,	Harper of Sumter,	Rosser,
Cleghorn,	Harrison of Hancock,	Rogers,
Cobb,	Hall of Meriwether,	Strickland,
Cunningham.	Hall of Glynn,	Shackleford,
Darnell,	Joiner,	Scott,
Davis,	Johnson of Spalding,	Scroggins,
Duncan,	Johnson of Forsyth,	Thomason,
Erwin,	Lee,	Turner,
Evans,	Lastinger,	Tumlin,
Floyd,	Linder,	Vinson,
Fowler,	Matthews,	Walthall,
Ford,	Maxwell,	Warren of Burke,
Fincannon,	Moore,	Warren of Quitman,
Goodwin,	McDougald,	Williams of Harris,
Gober,	McCormick,	Williams of Morgan,
Golden,	Nash,	Zellers.

Those voting in the negative are Messrs.—

Brown,	Buchan,	Fitzpatrick,
Barnes,	Carpenter,	Fryer,
Bradford,	Clower,	Guilford,

Harris of Glasecock,	O'Neal of Lowndes,	Saulter,
Harper of Terrell,	O'Neal of Baldwin,	Sisson,
Kytle,	Prudden,	Seale,
Lane,	Rawles,	Smith of Coffee,
Lindsey,	Richardson,	Smith of Muscogee,
Madden,	Rumph,	Smith of Ware,
McArthur,	Stone,	Watkins.

Yeas 81.

Nays 30.

So the bill was passed as amended in committee.

Mr. O'Neal of Lowndes gave notice that he would move its reconsideration to-morrow.

The House took up the special order of the day, which is a bill to establish a system of public education. The same was reported by the Committee on Education as a substitute for all the bills on the subject of public education, which have been referred to said committee.

Mr. Phillips offered, as a substitute for the substitute, a bill to establish a system of common schools in this State.

On motion of Mr. Turner the bill was taken up by sections.

The previous question was called and sustained.

Section 1 was adopted without amendment.

Section 2 was amended, on motion of Mr. O'Neal of Lowndes, by striking out all after the word "at," in the second line thereof, and inserting "the office of the School Commissioner at the capitol."

Mr. Turner moved to amend the second section by adding at the conclusion thereof, "and shall have power to appoint an Assistant State School Commissioner, and to define his duties."

This amendment was not adopted.

The second section, as amended, was adopted.

The third section was adopted.

The fourth section was adopted.

The following message was received from his Excellency the Governor, through Mr. Atkinson, his Secretary, to-wit:

Mr. Speaker:

I am directed by his Excellency the Governor to deliver to the House of Representatives a communication in writing.

Mr. Rawles, chairman *pro tem.* of the Committee on Banks, submitted the following report:

Mr. Speaker:

The Committee on Banks have had under consideration the following bills, to-wit:

A bill to be entitled an act to incorporate the Cuthbert Banking, Loan & Trust Company, which they recommend do not pass.

A bill to be entitled an act to incorporate the Savings Bank of Savannah, which they recommend do not pass.

A bill to be entitled an act to incorporate the Macon Banking Company, which they recommend do pass.

A bill to be entitled an act to alter and amend the laws in relation to the interest charged by the banks of this State, which they recommend do not pass, considering the law already sufficient.

MORGAN RAWLES, Chairman *pro tem.*

Mr. Price, chairman of the Committee on Agriculture and Internal Improvements, submitted the following report:

Mr. Speaker:

The Committee on Agriculture and Internal Improvements have had under consideration the following bills, to-wit:

A bill to be entitled an act to protect the people of this State in the sale of kerosene and other illuminating oils, which they recommend do pass.

W P. PRICE, Chairman.

On motion of Mr. Bryant it was ordered that an even-
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ing session be held to-day, commencing at 4 o'clock, for the purpose of perfecting the bill under consideration.

Leave of absence was granted Messrs. Seale and Barnes, on account of special business, and to Mr. Allen of Jasper for discharge of ministerial duties.

By resolution of Mr. Davis, Rev. Mr. Gaines, of Athens, Georgia, was invited to a seat in this House.

Mr. Bethune moved to amend the fifth section of the pending bill striking out the word "State," and inserting in lieu thereof the word "county."

Pending action on this proposition, the hour of adjournment arrived, and the House adjourned until 4 o'clock P. M.

4 O'CLOCK P. M.

The House met pursuant to adjournment, and resumed consideration of the unfinished business of the morning, the fifth section of the bill with proposed amendment of Mr. Bethune being first in order.

The same was not received.

The fifth section was adopted.

The sixth section was adopted.

Mr. Harper of Terrell moved to amend the seventh section by adding the following proviso :

"Provided, That the school commissioner and clerk provided for in this act shall be citizens of the State of Georgia, and who have devoted at least five years to teaching in said State."

The same was not received.

The seventh section was adopted without amendment.

Section 8 was adopted.

Section 9 was adopted.

Section 10 was amended by striking out the words "if possible," in the first line, and adopted as amended.

Sections 11 and 12 were adopted.

Mr. Beard moved to amend the thirteenth section by striking out the word "colored."

This amendment was not received.

The thirteenth section was adopted without amendment.

Mr. Harper of Terrell moved to amend the fourteenth section by striking out "twenty-five hundred" and inserting "fifteen hundred."

Mr. Barnum, by striking out twenty-five hundred and inserting two thousand.

Mr. Goodwin, to strike out twenty-five hundred dollars and insert three thousand.

Mr. Hall of Meriwether called for a division of the question.

The motion to strike out was first submitted and was lost.

Mr. Bell moved to amend the fourteenth section by striking out, in the second line, the word "treasury," and inserting the words "school fund." This amendment was received, and the section adopted as amended.

Section 15 was adopted.

Section 16 was, on motion of Mr. O'Neal of Lowndes, amended by inserting, after the word "Assembly," in the third line, the following: "the first board shall be elected on the 8th day of November, 1870."

The sixteenth section was adopted as amended.

Section 17 was adopted.

Section 18 was adopted.

Section 19 was adopted.

Section 20 was adopted.

Mr. Madden proposed to amend the twenty-first section by adding the following:

"When any sub-district becomes detached from one county and attached to another, by reason of change of county lines, such sub-district shall remain for school purposes in the county to which it belonged before so detached, until the expiration of the time for which the members of the County Board of Education were elected."

The previous question was called, and sustained on the adoption of the original section.

The twenty-first section was adopted without amendment.

Mr. Rawles moved to strike out the whole of the twenty-second section.

Mr. Bryant moved to amend by striking out "also" in the ninth line and inserting "the County Board of Education shall determine."

Mr. Clower called the previous question on the adoption of the original section.

The call was sustained, the main question put, and on this the yeas and nays were required to be recorded.

Those voting in the affirmative are Messrs.—

Beard,	Guilford,	Nesbit of Gordon,
Barnes,	Hillyer,	Osgood,
Bryant,	Holcombe,	O'Neal of Baldwin,
Curson,	Houston,	Porter,
Campbell,	Hutchings,	Perkins of Dawson,
Clower,	Harris of Glascock,	Rice,
Cunningham,	Harrison of Hancock,	Richardson,
Darnell,	Joiner,	Simms,
Davis,	Jackson,	Stone,
Fitzpatrick,	Johnson of Spalding,	Smith of Muscogee,
Floyd,	Johnson of Forsyth,	Turner,
Goodwin,	Linder,	Warren of Burke,
Golden,	Moore,	Williams of Harris.
Gardner,	McCormick,	

Those voting in the negative are Messrs.—

Anderson,	Higdon,	Price,
Bethune,	Hamilton,	Paulk,
Brown,	Humber,	Phillips,
Barnum,	Harris of Murray,	Prudden,
Ballanger,	Harper of Sumter,	Rainey,
Carpenter,	Hall of Glynn,	Rosser,
Cleghorn,	Kyle,	Rawles,
Costin,	Lec,	Rogers,
Duncan,	Laue,	Rumph,
Erwin,	Lastinger,	Strickland,
Franks,	Madden,	Shackleford,
Fowler,	Matthews,	Scott,
Fryer,	McArthur,	Sorrells,
Fincannon,	Nash,	Smith of Coffee,
Gray,	Nisbet of Dade,	Vinson,
Gullatt,	O'Neal of Lowndes,	Watkins.

Yeas 41.

Nays 48.

So the motion to adopt the 22d section did not prevail.

Mr. Clower gave notice that he would move a reconsideration in the morning.

The House adjourned until 9 o'clock A. M. to-morrow.

WEDNESDAY, August 24, 1870,
9 o'clock A. M.

The House met pursuant to adjournment, the Speaker *pro tem.* in the chair.

Prayer by the Rev. Mr. Crumley.

The Journal was read and approved.

Mr. O'Neal of Lowndes moved a reconsideration of so much of the Journal of yesterday as relates to the passage of the bill to incorporate the North Georgia & Tennessee Railroad Company; to grant certain powers and privileges to the same, and for other purposes.

Mr. Tumlin called for the previous question, which was sustained.

The main question was put, and upon this the yeas and nays were required to be recorded.

Those voting in the affirmative are Messrs.—

Brown,	Harris of Glascock,	Rawles,
Bradford,	Kyle,	Rogers,
Buchan,	Lane,	Richardson,
Carpenter,	Madden,	Rumph,
Campbell,	Madison,	Saulter,
Fitzpatrick,	McArthur,	Sisson,
Franks,	O'Neal of Lowndes,	Smith of Coffee,
Gardner,	O'Neal of Baldwin,	Smith of Muscogee,
Holcombe,	Phillips,	Turnipseed,
Holden,	Prudden,	Watkins.
Hook,		

Those voting in the negative are Messrs.—

Atkins,	Barnum,	Clower,
Anderson,	Ballanger,	Cleghorn,
Allen of Jasper,	Bryant,	Cobb,
Allen of Hart,	Carson,	Costin,
Bethune,	Caldwell,	Colby,

Cunningham,	Harkness,	Paulk,
Darnell,	Humber,	Pepper,
Duncan,	Harris of Murray,	Perkins of Dawson,
Erwin,	Harper of Sumter,	Rice,
Evans,	Harrison of Hancock,	Rainey,
Floyd,	Hall of Meriwether,	Rosser,
Fowler,	Hall of Glynn,	Sewell,
Ford,	Jackson,	Strickland,
Fryer,	Johnson of Spalding,	Shackleford,
Fincannon,	Lee,	Scott,
Goodwin,	Lastinger,	Sorrells,
Gober,	Linder,	Smith of Charlton,
Gray,	Matthews,	Tumlin,
Guilford,	Moore,	Vinson,
Gullatt,	McCormick,	Walthall,
Hillyer,	Nash,	Warren of Burke,
Higdon,	Nisbet of Dade,	Warren of Quitman,
Houston,	Nesbit of Gordon,	Williams of Harris,
Harden,	Parks,	Zellars.
Hamilton,	Price,	

Yeas 31.

Nays 74.

So the motion to reconsider did not prevail.

By permission of the House, Mr. Osgood withdrew the bill to amend the charter of the Savannah, Skidaway & Seaboard Railroad Company, for the purpose of making certain alterations therein.

Mr. Clower moved to reconsider so much of the Journal of yesterday as relates to the refusal of the House to adopt section 22 of the bill to establish a system of public education.

Mr. Rawles rose to a point of order, assuming that, as the mover failed to give notice of his motion during the reading of the Journal, it is now too late.

The point of order was decided by the Chair to be well taken.

From this decision Mr. Clower took an appeal.

It was ordered that the decision of the Chair stand as the judgment of the House.

Mr. Cleghorn, chairman of the Committee on New Counties and County Lines, submitted the following report:

Mr. Speaker:

The Committee on New Counties and County Lines have had under consideration the following bills:

A bill to be entitled an act to change the line between the counties of Ware and Pierce, which they recommend do pass.

A bill to be entitled an act to change the line between the counties of Catoosa and Walker, which they recommend do not pass.

A bill to be entitled an act to repeal an act entitled an act to change the name of the county of Cass, in this State, and for other purposes therein mentioned, assented to December 6, 1861, and for other purposes, which they recommend do pass.

A bill to be entitled an act to change the lines between the counties of Jackson and Banks, which they recommend do pass.

C. C. CLEGHORN, Chairman.

Mr. Price, chairman of the Committee on Agriculture and Internal Improvements, submitted the following report:

Mr. Speaker:

The Committee on Agriculture and Internal Improvements have had under consideration the following bill, to-wit:

A bill to be entitled an act to grant certain persons therein named the right to dig and mine in the beds of the navigable streams and waters of the State of Georgia for phosphate rocks and phosphatic deposits, which they recommend do pass as amended.

W P PRICE, Chairman.

Mr. Hamilton, chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker :

The Committee on Corporations have had under consideration the following bills, to-wit :

A bill to be entitled an act to provide for levying a tax upon the property of the Central Railroad & Banking Company, in the county of Bibb, for county purposes, which they recommend do pass.

A bill to be entitled an act to incorporate the Planters' & Miners' Bank of the State of Georgia, which they recommend do pass as amended.

A bill to be entitled an act to amend the several acts heretofore passed incorporating the city of Atlanta, which they recommend do not pass.

A bill to be entitled an act to amend an act to incorporate the Alabama & Georgia Manufacturing Company, which they recommend do pass.

A bill to be entitled an act to forfeit the franchises of Nelson Tift, and others, to erect a toll-bridge or ferry at or near Albany, in the county of Dougherty, or to allow others to erect free bridges or ferries on the Flint River, in said county, which they return without recommendation.

W D. HAMILTON, Chairman.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have passed the following bill, in which they ask the concurrence of the House :

A bill to be entitled an act to authorize the Mayor and Council of the city of Atlanta to provide for the introduction of water-works in said city, and for other purposes.

And I am directed to transmit the same forthwith to this branch of the General Assembly.

Leave of absence was granted Messrs. Cunningham and Richardson on account of sickness, and to Messrs. Duncan,

Harper of Terrell, and Williams of Morgan, on account of special business.

Mr. Hall of Meriwether offered a resolution authorizing the Treasurer to pay to members and officers one hundred dollars, which was read.

The House resumed the consideration of the unfinished business of yesterday, to-wit :

The bill to establish a system of public education, the twenty-third section thereof being first in order.

Sections 23 and 24 were adopted without amendment.

Section 25 was amended, on motion of Mr. O'Neal of Lowndes, by striking out the word "annually" in the third line, and inserting in lieu thereof "quarterly."

Section 25 was adopted as amended.

Sections 26 and 27 were adopted without amendment.

Mr. Hamilton moved to amend the twenty-eighth section by striking out the word "necessary" from the second line and inserting the word "actual."

Mr. O'Neal of Lowndes moved to amend the same by striking from the second line thereof the words, "with necessary traveling expenses."

This amendment was received, and section 28 adopted as amended.

Sections 29 and 30 were adopted without amendment.

Section 31 was adopted without amendment.

On motion of Mr. Turner the following was adopted in lieu of the twenty-second section, which was stricken out on yesterday, to-wit :

SECTION 22. The State Board of Education shall have power, two-thirds agreeing thereto, to appoint an Assistant State School Commissioner, and define his duties, whose salary shall not exceed twelve hundred and fifty dollars.

Mr. Rawles moved to amend section 32 by striking from the third line the words "to providing fuel for schools."

Mr. Duncan moved to strike out the following words: "and the funds for all such expenditures shall be raised by a tax levied upon the taxable property of said district,

and by assessment on the labor of the qualified voters of the same," and inserting, "the funds for such expenditures shall be from the *pro rata* share received by the county from the State Educational Funds."

Mr. Hillyer moved to amend the said section by substituting the word "may" for "shall," where the latter occurs in the ninth line.

This amendment was received.

The previous question was called upon the section as amended.

The call was sustained, and section 32 adopted as amended.

Mr. Goodwin moved to amend section 33 by striking out all after the word "by," in the seventh line, and inserting in lieu thereof the following: "a unanimous vote of all the legal voters of said school district who may vote at such meeting or election."

Mr. O'Neal of Lowndes moved to amend said section by striking out all after the word "State," in the sixth line.

Mr. Hamilton proposed to amend said section by adding at the conclusion thereof the following: "the vote of each race counted separately."

Mr. Turner called for the previous question on the original section.

The call was sustained.

The main question was put, and upon this Mr. O'Neal of Lowndes required the yeas and nays to be recorded.

Those voting in the affirmative are Messrs.—

Bryant,	Gardner,	Madden,
Clower,	Gailford,	Porter,
Costin,	Hillyer,	Rice,
Colby,	Houston,	Richardson,
Cunningham,	Hutchings,	Turner,
Fitzpatrick,	Harrison of Hancock,	Warren of Burke,
Golden,	Joiner,	Williams of Harris.

Those voting in the negative are Messrs.—

Atkins,	Allen of Hart,	Beard,
Anderson,	Bell,	Brown,
Allen of Jasper.	Bethune,	Barnum,

Ballanger,	Hook,	Price,
Carson,	Humber,	Paulk,
Carpenter,	Harris of Murray,	Phillips,
Campbell,	Harris of Glascock,	Pepper,
Clark,	Harper of Sumter,	Prudden,
Caldwell,	Harper of Terrell,	Perkins of Dawson,
Cleghorn,	Hall of Meriwether,	Railey,
Cobb,	Hall of Glynn.	Rosser,
Darnell,	Jackson,	Rawles,
Davis,	Johnson of Towns,	Rogers,
Duncan,	Johnson of Forsyth.	Rumph,
Erwin,	Kyle,	Sewell,
Evans,	Lee,	Strickland,
Floyd,	Lane,	Simms,
Fowler,	Lastinger,	Saulter,
Ford,	Linder,	Shackleford,
Fryer,	Matthews,	Scott,
Fincannon,	Maxwell,	Sorrells,
Goodwin,	Maul,	Smith of Coffee,
Gober,	Moore,	Smith of Muscogee,
Gray,	McArthur,	Thomason,
Gullatt,	McCormick,	Tumlin,
Higdon,	Nash,	Turnipseed,
Holcombe,	Osgood,	Vinson,
Holden,	O'Neal of Lowndes,	Walthall,
Hamilton,	O'Neal of Baldwin,	Warren of Quitman,
Harkness,	Parks,	Zellers.

Yeas 21.

Nays 90.

So the motion to adopt the 33d section, without amendment, did not prevail.

Mr. O'Neal of Lowndes renewed his motion to amend.

Mr. Bryant moved to amend by adding, "but the vote of each race shall be counted separately."

Mr. Scott called for the previous question on the proposed amendment of Mr. O'Neal.

The call was sustained and the main question put.

The amendment was received, which is to strike out all after the word "State" in the sixth line.

Upon the question of adopting the section as amended, the yeas and nays were required to be recorded.

Those voting in the affirmative are Messrs.—

Atkins,	Gullatt,	Price,
Ander-on,	Higdon,	Paulk,
Bell,	Holden,	Phillips,
Bethune,	Hamilton,	Pepper,
Brown,	Harkness,	Prudden,
Barnum,	Hook,	Perkins of Dawson.
Ballanger,	Humber,	Rainey,
Buchan,	Harris of Murray,	Rosser,
Carson,	Harper of Sumter,	Rawles,
Carpenter,	Harper of Terrell,	Rogers,
Clark,	Hall of Meriwether,	Rumph,
Caldwell,	Hall of Glynn,	Sewell,
Cleghorn,	Johnson of Towns,	Strickland,
Cobb,	Johnson of Forsyth,	Sadler,
Cunningham,	Kyle,	Shackleford,
Darnell,	Lee,	Scott,
Duncan,	Lane,	Seroggins,
Erwin,	Lastinger,	Sorrells,
Evans,	Matthews,	Smith of Coffee.
Franks,	Maxwell,	Thomason,
Fowler,	Maul,	Tumlin,
Ford,	McArthur,	Turnipseed,
Fryer,	Nash,	Vinson,
Fincannon,	Osgood,	Watkins,
Goodwin,	O'Neal of Lowndes,	Walthall,
Gober,	Parks,	Warren of Quitman.
Gray,		

Those voting in the negative are Messrs.—

Allen of Jasper,	Gardner,	Moore,
Beard,	Guilford,	McCormick,
Bryant,	Hillyer,	O'Neal of Baldwin,
Bradford,	Holcombe,	Porter,
Campbell,	Houston,	Rice,
Clower,	Hutchings,	Richardson,
Colby,	Harrison of Hancock,	Simms,
Davis,	Joiner,	Smith of Muscogee,
Fitzpatrick,	Jackson,	Turner,
Floyd,	Linder,	Warren of Burke,
Golden,	Madden,	Williams of Harris.

Yeas 79.

Nays 33.

So the thirty-third section was adopted as amended.

Mr. Scott moved that when the House adjourn it do ad-

journal until 4 o'clock P. M., for the consideration of the pending bill.

The motion did not prevail.

Mr. Scott then moved that when the House adjourn it do adjourn until 4½ o'clock P. M., and upon this, called the previous question.

The Speaker *pro tem.* decided it out of order to make two motions at once.

The House, on motion of Mr. Fitzpatrick, adjourned until 9 o'clock A. M. to-morrow.

THURSDAY, August 25, 1870,
9 o'clock A. M.

The House met pursuant to adjournment, the Speaker *pro tem.* in the chair.

Prayer by the Rev. Mr. Crumley.

The Journal was read and approved.

Mr. O'Neal of Lowndes moved a reconsideration of so much thereof as relates to the action of the House in permitting the withdrawal of the bill to amend the charter of the Savannah, Skidaway & Seaboard Railroad Company.

The Chair ruled that the withdrawal of the bill by consent was a final disposition thereof; that it is now beyond the control of the House, and, consequently, not a subject for reconsideration.

Mr. O'Neal of Lowndes appealed from this decision.

It was ordered that the decision of the Chair stand as the judgment of the House.

Mr. Carson offered a resolution authorizing the Clerk of the House to employ fifteen additional clerks.

The same being a privileged resolution, was submitted to the House and disagreed to.

Mr. Phillips offered the following protest, which was ordered to be spread upon the Journal.

Mr. Speaker:

We, the Representatives of the financially-oppressed people of Georgia, avail ourselves of the present opportunity, in accordance with the rules of the House, of entering a solemn protest against the action of this body in adopting the joint resolutions of the Senate, authorizing the purchase of the building, known as the Opera House, in the city of Atlanta, for the following reasons, to-wit:

We believe that the action of the Legislature was in direct violation of the agreement entered into between the City Council of Atlanta and the Convention that assembled to frame a Constitution for the State. In confirmation of that opinion, we submit for your consideration the following resolution, which was presented by the authority of the Mayor and Aldermen to the Convention, in session, and accepted:

Resolved, That, in consideration of the location of said Capitol, as proposed by said Convention, the City Council of Atlanta do hereby agree, covenant and bind the city of Atlanta, free of cost to the State, to furnish for the space of ten years, if needed, a suitable building for the General Assembly, for the residence of the Governor, and for all the offices needed by such officers as are generally located in the State House, and, also, suitable rooms for the State Library and for the Supreme Court.

The Convention, in accepting the proposition, adopted the following resolution:

Resolved, That this Convention, in behalf of the State, hereby accepts the proposition of the city of Atlanta for the removal of the Capitol of the State to said city, and will incorporate in the Constitution of the State a provision securing said removal, and will hold the city to a just and full compliance with said proposition.

We here have embodied in these resolutions, in plain, categorical language, which cannot be misunderstood, the contract between the city of Atlanta and the Convention,

in which the Convention declared that it would hold the city, under this agreement, to a just and full compliance with said proposition. And in behalf of the people, whom it proposed to represent, a provision was incorporated in the Constitution declaring "that the seat of government of this State, from and after the date of the ratification of this Constitution, shall be in the city of Atlanta." The people—believing that the Convention and the city of Atlanta had acted in good faith, and that the contract would be strictly adhered to—proceeded to ratify the Constitution securing the removal, and elected a Governor, Senators and Representatives, with the positive and express understanding that the State should incur no expense for the space of ten years. But this House, (in violation of that agreement, which was one of the considerations that secured the ratification of the Constitution, and without any instruction from the poor, oppressed and wronged tax-payers of Georgia,) openly, and in bad faith, adopted the resolutions authorizing the appointment of individuals to purchase an inferior building, thereby creating a debt of four hundred and sixty-nine thousand two hundred dollars, to be wrung out of the hard earnings of our forbearing and suffering countrymen. To which sum, if you add the fifty-four thousand five hundred dollars, with interest, advanced by Governor Bullock, contrary to law, to H. I. Kimball, you will make the entire cost to the State five hundred and fifty-eight thousand and thirty-five dollars. Now combine with that the sum of three hundred and twelve thousand dollars to be paid by the City Council, and you will make the aggregate costs eight hundred and seventy thousand thirty-five dollars, to fill up the coffers of a single individual.

We offer, as an additional reason for entering this protest, that the building proposed to be purchased is encumbered with real estate belonging to other parties, who can, at their option, destroy its efficiency, and render it totally worthless for the purposes intended. It is a known fact that Mr. Austell owns and possesses the land adjoining the walls on the north, and that he can, at any time, in

the construction of an edifice, erect a wall that will completely close up that end of the building, and shut out the light and air from the Senate Chamber. It is also known that Mr. Calloway owns a portion of the real estate upon which stands the engine-house for heating the Capitol, and that nothing but a narrow alley now divides his land from the public ground, which is not sufficient to protect the interest of the State; and if he should raise his adjoining store as high as the capitol building, the light and air would be shut out from the Representative Hall, and that part of the house rendered useless also. To remodel it would require its demolition, and that would be attended with great injury to the State. If an attempt be made to purchase the right-of-way around it, and the privilege of protection, unreasonable sums would be demanded of the representatives of the people by the owners of the land. A building thus hemmed in, with no security against fire, cannot be a suitable edifice for the Capitol. Besides, the action of this House, in refusing to submit this question to those who must furnish means to pay for it, shows a wanton and reckless disregard of their opinion and wishes, and will be condemned by all who take a proper view of the subject.

Another reason why we enter this protest is the deplorable condition of the finances of the State. The public debt has been increased nearly seven millions of dollars by injudicious expenditures. Our people are groaning under the weight of a burthensome and crushing system of taxation, and ask for relief; but, instead of giving it, you have, by a single act, when there was no necessity for it, increased it nearly a half million of dollars.

We, therefore, feel that it is due to ourselves, and the country, that our reasons for opposing this act should be spread upon the Journal of the House.

R. W. PHILLIPS,
R. A. TURNIPSEED,
M. SHACKLEFORD,
J. B. SORRELLS,
THOMAS PAULK,
JAMES K. BARNUM,

L. C. A. WARREN,
G. R. HARPER,
H. C. FRYER,
LEWIS NASH,
W. P. PRICE,
GEORGE W. RUMPH.

Mr. Hall of Meriwether, chairman of the Finance Committee, made the following report, to-wit :

Mr. Speaker :

The Finance Committee have had under consideration the following bills, which they respectfully return, to-wit :

A bill to be entitled an act to construct a railroad from Athens, Georgia, to Clayton, Georgia, or some other point on the Blue Ridge Railroad near Clayton, and to grant State aid to the same, which they recommend do pass as amended.

A bill to allow Battie H. Mitchell to peddle in this State without paying license, which they recommend do pass.

W H. F. HALL,
Chairman Finance Committee.

The unfinished business was resumed, to-wit :

The bill to establish a system of Public Instruction, the thirty-fourth section being first in order.

Mr. Belcher moved to amend said section by striking out the words "white and colored," and the words "noting them separately," where the same occur in the third line.

The previous question was called and sustained on the proposed amendment of Mr. Belcher.

The main question was put and the amendment lost.

Mr. Barnum moved to amend said section by striking out the words "six and twenty-one," where they occur in the fourth line, and inserting in lieu thereof "eight and sixteen."

The previous question was called and sustained on a motion to adopt the section unamended.

The main question was put, and the thirty-fourth section adopted without amendment.

The thirty-fifth section was adopted without amendment.

Mr. Belcher moved to amend the thirty-sixth section by striking out the words "colored and white," in the fourth line.

The same did not prevail.

The thirty-sixth section was adopted without amendment.

On motion of Mr. Houston the thirty-seventh section was amended by inserting after the word "execution," in the seventh line, the following: "and all taxes, State and county."

This section was further amended, on motion of Mr. Scott, by adding at the conclusion the following: "*Provided*, further, that nothing in this act shall be so construed as to interfere, in any way, with private schools, or private school property."

Section 37 was adopted as amended.

Section 38 was adopted without amendment.

Section 39 was amended by striking out caption thereto: "cities and incorporate villages."

The thirty-ninth section was adopted as amended.

Section 40 was amended, on motion of Mr. Rice, by substituting the word "vocation" for "avocation," in the third line.

The fortieth section was adopted as amended.

Sections 41, 42 and 43 were adopted without amendment.

Mr. Tumlin moved to amend the forty-fourth section by striking out the words "and the net earnings of the Western & Atlantic Railroad" in the sixth line.

Mr. Caldwell moved to amend by inserting before the word "net," in the sixth line, the words, "one-half of the."

Mr. Bryant called for the previous question, which was sustained, on the forty-fourth section unamended.

The main question was put, and Mr. Phillips required the yeas and nays to be recorded thereon.

Those voting in the affirmative are Messrs.—

Allen of Hart,	Clower,	Floyd,
Bethune,	Costin,	Goodwin,
Belcher,	Colby,	Golden,
Bryant,	Darnell,	Gardner,
Buchan,	Davis,	Guilford,
Carson,	Fitzpatrick,	Hillyer,
Campbell,	Franks,	Holcombe,

Houston,	Madden,	Perkins of Dawson,
Harden,	Madison,	Rice,
Hutchings,	Moore,	Rainey,
Harris of Glascock,	McCormick,	Richardson,
Joiner,	Nesbitt of Gordon,	Saulter,
Johnson of Towns,	Osgood,	Smith of Muscogee,
Johnson of Spalding,	O'Neal of Lowndes,	Warren of Burke,
Johnson of Forsyth,	O'Neal of Baldwin,	Warren of Quitman,
Lastinger,	Porter,	Williams of Harris,
Linder,		

Those voting in the negative are Messrs.—

Atkins,	Holden,	Phillips,
Anderson,	Hamilton,	Pepper,
Brown,	Harkness,	Rosser,
Barnum,	Hook,	Rawles,
Ballanger,	Humber,	Rogers,
Bradford,	Harris of Murray,	Rumph,
Carpenter,	Harper of Sumter,	Strickland,
Clark,	Hall of Meriwether,	Sisson,
Caldwell,	Hall of Bulloch,	Shumate,
Cleghorn,	Jackson,	Shackleford,
Erwin,	Kyle,	Scott,
Evans,	Lee,	Scroggins,
Felder,	Lane,	Sorrells,
Fowler,	Matthews,	Smith of Charlton,
Fryer,	Maxwell,	Smith of Coffee,
Fincannon,	McArthur,	Tumlin,
Gober,	Nash,	Turnipseed,
Gray,	Parks,	Vinson,
Gullatt,	Price,	Watkins,
Higdon,	Paulk,	Zellars,

Yeas 49.

Nays 60.

So the motion to adopt the forty-fourth section without amendment was lost.

Mr. Lee moved to amend by striking from said section, in line sixth, the words, "and the net earnings of the Western & Atlantic Railroad."

Mr. Caldwell renewed his motion to amend by inserting before the word "net," in the sixth line, the words, "one-half of the."

Mr. Anderson proposed the following as a substitute for the amendments of Mr. Lee and Mr. Caldwell, to-wit:

Strike out the words, "and the net earnings of the Western & Atlantic Railroad," and add the following at the conclusion of the section :

"*Provided*, Nothing herein contained shall be so construed as to appropriate the net earnings of the Western & Atlantic Railroad to the School Fund provided for under this bill."

Mr. Phillips moved to amend by adding the following after the word "State," in the ninth line :

"*Provided*, The tax assessed by said Board of Education shall not exceed two-tenths of one per cent. upon the taxable property of the State."

Mr. Bethune called for the previous question on the proposed amendment of Mr. Caldwell.

The call was sustained.

The main question was put, and upon this the yeas and nays were required to be recorded.

Those voting in the affirmative are Messrs.—

Allen of Hart,	Guilford,	Nesbit of Gordon,
Bethune,	Hillyer,	O'Neal of Lowndes,
Belcher,	Holcombe,	O'Neal of Baldwin,
Bryant,	Houston,	Porter,
Bradford,	Harden,	Prudden,
Carson,	Hutchings,	Perkins of Dawson,
Campbell,	Humber,	Rice,
Caldwell,	Harris of Glascock,	Rainey,
Clower,	Hall of Glynn,	Rogers,
Costin,	Joiner,	Richardson,
Colby,	Johnson of Towns,	Strickland,
Darnell,	Johnson of Spalding,	Saulter,
Davis,	Johnson of Forsyth,	Smith of Charlton,
Fitzpatrick,	Lastinger,	Smith of Muscogee,
Franks,	Linder,	Warren of Burke,
Floyd,	Madden,	Warren of Quitman,
Goodwin,	Madison,	Williams of Harris,
Golden,	Moore,	Zellers.
Gardner,	McCormick,	

Those voting in the negative are Messrs.—

Atkins,	Ballanger,	Evans,
Anderson,	Carpenter,	Felder,
Brown,	Clark,	Fowler,
Barnum,	Cleghorn,	Fryer,

Fincannon,	Kyle,	Rumph,
Gober,	Lee,	Sisson,
Gray,	Lane,	Shumate,
Gullatt,	Matthews,	Shackleford,
Higdon,	Maxwell,	Scott,
Holden,	McArthur,	Scroggins,
Hamilton,	Nash,	Sorrells,
Harkness,	Parks,	Smith of Coffee,
Hook,	Price,	Tumlin,
Harris of Murray,	Paulk,	Turnipseed,
Harper of Sumter,	Phillips,	Vinson,
Hall of Meriwether,	Pepper,	Watkins,
Hall of Bulloch,	Rosser,	Walthall.
Jackson,	Rawles,	

Yeas 56.

Nays 53.

So the amendment of Mr. Caldwell was agreed to.

Mr. Rawles moved to amend said section by striking out all after the word "fund," in the seventh line.

Mr. Caldwell called the previous question, which was sustained, on the adoption of the forty-fourth section as amended.

The main question was put, and the forty-fourth section was adopted as amended.

Mr. Bethune proposed to amend the forty-fifth section by adding thereto the following as a proviso:

"Provided, Nothing herein contained shall be so construed as to authorize the County or District Board of Education to levy more than 50 per cent. State Tax for educational purposes.

Mr. Scott moved to strike out the entire section.

On this motion the previous question was called and sustained.

The main question was put, and on this the yeas and nays were required to be recorded.

Those voting in the affirmative are Messrs.—

Atkins,	Ballanger,	Cleghorn,
Anderson,	Carpenter,	Erwin,
Brown,	Clark,	Evans,
Barnum,	Caldwell,	Felder,

Fowler,	Hall of Glynn,	Rogers,
Fryer,	Kytle,	Rumph,
Fincannon,	Lane,	Saulter,
Gober,	Matthews,	Sisson,
Gray,	Maxwell,	Shumate,
Gullatt,	McArthur,	Shackleford,
Higdon,	Neal,	Scott,
Holden,	Nash,	Sorrells,
Harden,	Parks,	Smith of Coffee,
Hamilton,	Paulk,	Turnipseed,
Harkness,	Phillips,	Vinson,
Hook,	Pepper,	Watkins,
Humber,	Prudden,	Walthall,
Harris of Murray,	Rainey,	Warren of Quitman,
Harper of Sumter,	Rosser,	Zellers.
Hall of Bulloch,	Rawles.	

Those voting in the negative are Messrs.—

Bethune,	Gardner,	Moore,
Belcher,	Guilford,	McCormick,
Beard,	Hillyer,	Nesbit of Gordon,
Bryant,	Holcombe,	Osgood,
Buchan,	Houston,	O'Neal of Lowndes,
Campbell,	Hutchings,	O'Neal of Baldwin,
Clower,	Joiner,	Porter,
Costin,	Jackson,	Perkins of Dawson,
Colby,	Johnson of Towns,	Rice,
Darnell,	Johnson of Spalding,	Richardson,
Davis,	Johnson of Forsyth,	Strickland,
Fitzpatrick,	Lastinger,	Smith of Charlton,
Franks,	Linder,	Smith of Muscogee,
Floyd,	Madden,	Warren of Burke,
Goodwin,	Madison,	Williams of Harris.
Golden,		

Yeas 59.

Nays 46.

So the forty-fifth section was stricken out.

The following was offered by Mr. Bethune as an additional section, to be known as section 45.

"SECTION 45. The County Board of Education shall have power to organize, in each county, one or more Manual Labor Schools on such plan as will be self-sustaining, provided the same be approved by the State Board of Education."

The same was adopted.

Mr. Scott offered the following as an additional section, to be known as the forty-sixth section :

“SECTION 46. The Chancellor of the University of Georgia, and the Presidents of Oglethorpe University, Mercer University, Emory College, Bowdon Collegiate Institution and of the Colored University in the city of Atlanta, shall be, and are hereby, added to the Georgia State Board of Education proposed in this act, and a majority of the members of said board shall constitute a quorum for business.”

Mr. Bryant moved to lay the proposed additional section of Mr. Scott on the table.

On this motion the yeas and nays were required to be recorded.

Those voting in the affirmative are Messrs.—

Atkins,	Gardner,	McCormick,
Bethune,	Guilford,	Neal,
Belcher,	Hillyer,	Nesbitt of Gordon,
Beard,	Holcombe,	O'Neal of Lowndes,
Bryant,	Houston,	O'Neal of Baldwin,
Bradford.	Harden,	Price,
Buchan,	Hutchings,	Porter,
Carson,	Harper of Sumter,	Prudden,
Campbell,	Hall of Meriwether,	Perkins of Dawson,
Caldwell,	Joiner,	Rice,
Clower,	Jackson,	Rogers,
Costin,	Johnson of Towns.	Richardson.
Colby,	Johnson of Spalding.	Strickland,
Darnell,	Johnson of Forsyth,	Saulter,
Davis,	Lee,	Smith of Muscogee,
Fitzpatrick.	Lastinger,	Thomason,
Franks,	Linder,	Watkins,
Floyd,	Madden,	Warren of Burke,
Goodwin,	Madison,	Williams of Harris.
Golden,	Moore,	Zellars.

Those voting in the negative are Messrs.—

Anderson,	Erwin,	Gray,
Brown,	Evans,	Gullatt,
Barnum,	Felder,	Higdon,
Ballanger,	Fowler,	Holden,
Carpenter,	Fryer,	Hamilton,
Clark,	Fincannon,	Harkness,
Cleghorn,	Gober,	Hook,

Humber,	Paulk,	Scott,
Harris of Murray,	Phillips,	Sorrells,
Hall of Bulloch,	Pepper,	Smith of Coffee.
Hall of Glynn,	Rainey,	Tumlin,
Kyle,	Rosser,	Turnipseed.
Matthews,	Rawles,	Vinson,
McArthur.	Rumph,	Walthall,
Nash,	Shumate,	Warren of Quitman.
Parks,	Shackleford.	

Yeas 61.

Nays 47.

So the motion to lay on the table prevailed.

Mr. Darnell offered the following resolution, which was agreed to :

Resolved, That the House have an evening session, commencing at 4 P. M. this day, and continue until 6 P. M., for the purpose of considering unfinished business and reading bills the first and second time.

By resolution of Mr. Kyle, Garnett McMillan, Esq., of Habersham county, was tendered a seat on this floor during his stay in the city.

Leave of absence, for a few days on special business, was granted Messrs. Smith of Ware, Price, Turnipseed and Caldwell, and to Mr. Stone, on account of sickness of himself.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have passed the following bill of the House, with certain amendments, in which they ask the concurrence of the House :

A bill to be entitled an act to incorporate the Newnan & Americus Railroad Company, and for other purposes therein named.

And I am directed to transmit the same forthwith to his branch of the General Assembly.

The following message was received from his Excellency the Governor, through Mr. Atkinson, his Secretary, to-wit:

Mr. Speaker:

I am directed by His Excellency the Governor to deliver to the House of Representatives a communication in writing, with accompanying documents.

Mr. O'Neal, chairman of the Judiciary Committee, submitted the following report:

Mr. Speaker:

The Judiciary Committee have had under consideration the following bills, to-wit:

A bill to be entitled an act to prohibit persons from grazing stock in the county of Towns who are not residents of this State, which they recommend do not pass.

A bill to be entitled an act to relieve the members of Screven Hose Company of Savannah from jury and militia duty, etc., which they recommend do pass as amended.

A bill to be entitled an act to incorporate the Forest City Mutual Loan Association of Savannah, which they recommend do not pass.

A bill to be entitled an act to relieve from tax *fi. fas.* certain property, which they recommend do not pass.

A bill to be entitled an act to make penal the delivery and reception of agricultural products after night, in the county of Brooks, under sale, barter or otherwise, and for other purposes, which they recommend do pass.

A bill to be entitled an act to authorize James O. Morton and Isaiah H. Tillman, executors of the last will and testament of Matthew Young, late of the county of Brooks, deceased, to settle with and deliver to Silas M. Young, a minor and legatee in said estate, his entire interest therein, and to make his receipt therefor a legal voucher, and for other purposes, which they recommend do pass.

A bill to be entitled an act to prevent the obstruction of Buck Creek, in the counties of Schley and Macon, which they recommend do pass.

A resolution instructing the Committee on Judiciary to report a bill providing for juries in Justices Courts.

The committee report that such a bill as asked for would be contrary to the Constitution of the State.

A bill to be entitled an act to amend section 650 of Irwin's Code, which they recommend do pass.

A bill to be entitled an act to allow bar-keepers to sell certain beverages on the Sabbath day, which they recommend do pass as amended.

A bill to be entitled an act to authorize Halstead Smith, a minor of Chatham county, to qualify as executor of the last will and testament of Daniel T. Scranton, deceased, which they recommend do pass.

A bill to be entitled an act to reinstate certain parties as executors, etc., which they recommend do pass.

JOHN W. O'NEAL, Chairman.

The House adjourned until 4 o'clock P. M.

4 O'CLOCK P. M.

The House met pursuant to adjournment.

On motion of Mr. Scott the rules were suspended, when he introduced the following bills, which were read the first time :

A bill to authorize and empower the Ordinary of the county of Floyd to issue bonds of the county, to the amount of fifty thousand dollars, to build or purchase a bridge or bridges over the Etowah and Oostanaula Rivers, in the county of Floyd, and for other purposes.

Also, a bill to lease the Western & Atlantic Railroad.

The unfinished business of the morning was resumed, to-wit: The bill to establish a system of public instruction.

Mr. Hamilton offered the following, to be known as the forty-sixth section :

"SECTION 46. That nothing contained in this act shall prevent the collection of any account rendered from a

private school, or the teacher thereof, for the education of beneficiaries of the Common School Fund, in localities where the common school may not have been organized: *Provided*, That such account shall have been first duly audited by the board, whose duty it is to audit all accounts."

The same was adopted as the forty-sixth section.

Mr. Bethune proposed the following as an additional section:

"Should a majority of the parents and guardians of the children entitled to the benefits of this act in any sub-school district decline to use the text-book or books prescribed by the State Board of Education, that then, and in that event, the Trustees of said sub-school district shall prescribe what text-book or books shall be used in that school or sub-district."

Mr. Rice submitted a point of order, declaring the provisions of the proposed section in conflict with a section of the bill already adopted.

The Chair ruled that the point of order was well taken.

Mr. Bethune took an appeal from the decision of the Chair.

The same was ordered to stand as the judgment of the House.

Mr. Bethune offered the following as an additional section:

"Nothing contained in this act shall interfere with the private or public schools now in existence in this State."

The same was, on motion of Mr. Clower, laid on the table.

Mr. Darnell offered the following as an additional section:

"Sub-districts shall be established, and schools shall be organized in every sub-district in every county in the State, immediately after the election of the County Boards in November next."

The same was, on motion of Mr. Rice, laid on the table.

Mr. Phillips offered the following, which was adopted, as section 47:

"SECTION 47. *Be it enacted*, That the State Board of Education shall not be permitted to introduce into the schools any text or miscellaneous books of a sectarian or sectional character."

Mr. Anderson proposed the following as an additional section:

"*Be it enacted*, That nothing in this act shall be so construed as to allow any payments to be made from the General Fund in the Treasury toward the support of schools in any way; and that the salaries of officers, teachers, and all other expenses incurred in carrying out the system herein established, shall be strictly confined to, and paid out of, the Educational Fund established and set apart by article 6, paragraph 3, of the Constitution of this State."

The same was not agreed to.

Mr. Caldwell offered the following, which was adopted, as the 48th section:

"The Secretary of State shall, as soon as practicable, make, or cause to be made, a digest of all the laws of force in this State relating to schools and education."

The report, as amended, was agreed to. The bill was read the third time, and, on the question of its passage, the yeas any nays were required to be recorded.

Those voting in the affirmative are Messrs.—

Bethune,	Floyd,	Harper of Sumter,
Belcher,	Goodwin,	Harrison of Hancock,
Beard,	Golden,	Hall of Meriwether,
Bryant,	Gardner,	Hall of Glynn,
Buchan,	Gray,	Joiner,
Carson,	Guilford,	Jackson,
Campbell,	Hillyer,	Johnson of Towns,
Caldwell,	Holcombe,	Johnson of Spalding,
Clower,	Holden,	Johnson of Forsyth,
Costin,	Houston,	Lee,
Colby,	Harden,	Lane,
Darnell,	Hamilton,	Lastinger,
Davis,	Hutchings,	Linder,
Erwin,	Hooks,	Madden,
Fitzpatrick,	Humber,	Madison,
Franks,	Harris of Glascock,	Moore,

McCormick,	Rice,	Sorrells,
Nesbit of Gordon,	Rainey,	Smith of Muscogee,
Osgood,	Rawles,	Thomason,
O'Neal of Lowndes,	Rogers,	Watkins,
O'Neal of Baldwin,	Richardson,	Warren of Burke,
Price,	Strickland,	Warren of Quitman,
Porter,	Simms,	Williams of Harris,
Prudden,	Saulter,	Zellers.
Perkins of Dawson,	Scroggins,	

Those voting in the negative are Messrs.—

Anderson,	Fincannon,	Parks,
Barnum,	Gober,	Paulk,
Ballanger,	Gullatt,	Phillips,
Carpenter,	Higdon,	Rosser,
Cloud,	Harkness,	Shumate,
Cobb,	Hook,	Scott,
Evans,	Kytle,	Smith of Coffee,
Felder,	Matthews,	Tumlin,
Fowler,	Maxwell,	Turnipseed,
Ford,	McArthur,	Vinson,
Fryer,	Nash,	Walthall.

Yeas 70.

Nays 29.

So the bill was passed as amended.

Mr. Carson offered the following privileged resolution:

Resolved, That the Clerk of the House be authorized to appoint twelve additional clerks, to be paid from the date of their appointment.

The same was adopted.

Mr. Williams of Harris offered the following resolution, which was agreed to:

Resolved, That no member of the House that leaves without consent shall receive any pay for his absence without the consent of the House.

On motion of Mr. Price the rules were suspended, and the following bills were taken up, to-wit:

The bill to be entitled an act to incorporate the Atlanta & Blue Ridge Railroad Company.

This bill was read the second time and referred to the Finance Committee.

A bill of the House returned from the Senate with certain amendments, which is a bill to incorporate the Newnan & Americus Railroad Company, and for other purposes therein named.

The amendments thereto were concurred in.

Mr. Hall of Meriwether moved to recommit to the Committee on Finance the bill to amend an act to aid the Brunswick & Albany Railroad, assented to March 18, 1869.

Mr. Hall of Glynn offered, as a substitute for the foregoing motion, the following resolution, which was agreed to :

Resolved, That all railroad bills asking the aid of the State, which have been reported on by committees to which they have been referred, be made the special order of Monday next, at 10 o'clock A. M., and that they be taken up in the order reported by the committees.

The House adjourned until 9 o'clock A. M. to-morrow.

FRIDAY, August 26, 1870.

9 o'clock A. M.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Crumley.

The Journal was read and approved.

By resolution of Mr. Tumlin, Colonel M. J. Adkins was tendered a seat on this floor during his stay in the city.

Mr. Fitzpatrick submitted the following report :

To the House of Representatives :

The committee appointed by your honorable body to inquire whether any State official, or other person, had used any undue influence to control the votes of James W. Atkins, of Oglethorpe county, and Alexander Stone, of

Jefferson county, have had the matter investigated, and respectfully submit the evidence adduced.

(Signed)

JAMES FITZPATRICK, Chairman;
GEORGE W RUMPH,
THOMAS F. RAINEY,
PETER O'NEAL,
GEORGE F PAGE.

On motion of Mr. Belcher this report was made the special order for Tuesday next.

On motion of Mr. Bethune the resolution declaring members who were seated in the places of those declared ineligible entitled to mileage and per diem from the commencement of the first session in July, 1868, until the commencement of the present session in January, 1870, was taken up and made the special order for Thursday next, September 1.

The House took up the report of the committee on the bill to create a board of commissioners of roads and revenue for the county of Pickens.

This bill was referred to the Judiciary Committee, and reported back with the recommendation that it do pass with certain amendments.

It was made the special order for the twenty-third instant, but not reached, by reason of the consideration of the school bill, which, as a special order, had precedence.

Mr. Lee submitted as a point of order, that the bill not having been acted on at the time designated for this purpose, it had lost its character as a special order.

The Speaker *pro tem.* ruled that the point of order was not well taken.

From the decision of the Chair, Mr. Lee took an appeal, and it was ordered that the decision of the Chair stand as the judgment of the House.

Mr. Price rose to a point of order, assuming that the enactment of the bill under consideration is unconstitutional unless the people of the county or counties to be affected thereby shall have expressed their desire for the same by the action of their Grand Juries, or in some other way.

The Speaker *pro tem.* ruled that the Representatives of the several counties on this floor were supposed to be best acquainted with their wishes, and that therefore the point of order was not well taken.

The report was amended by making the provisions of the bill applicable to the counties of Echols, Dooly, Quitman, Heard, Chattooga, Pulaski, Dougherty, Decatur, Bryan, Burke, Stewart, Polk, Monroe, Bartow, Hancock, Jones, Baldwin, Liberty, Schley, Upson, Chatham, Wilkinson, Columbia, Gwinnett, Lowndes, Laurens, Muscogee, Union, Thomas, Spalding and Bibb.

Mr. McWhorter called the previous question, which was sustained, on the adoption of the report as amended.

The main question was put, and the report, as amended, agreed to.

The bill was read the third time, passed as amended, and, on motion of Mr. Darnell, ordered to be transmitted to the Senate without delay.

On motion of Mr. Hamilton the following bills were taken up and referred to the Finance Committee:

A bill to incorporate the American Industrial Agency.

A bill to incorporate the Contractors' Association.

The House took up the report of the committee on the bill to authorize the issue of bonds of this State, whereby to redeem all bonds, and the interest thereon, now due or falling due, and for funding the seven per cent. currency bonds, carrying a mortgage on the State Railroad, and for other purposes therein mentioned.

Mr. Bryant offered the following amendments, which were received, to-wit:

Strike out all between the words "due," in the third line, and the word "and," in the fourth line; all between the word "law," in the seventh line, and the word "and," in the eighth line; and add, at the conclusion of the first section, the following:

"But nothing in this act shall be construed to authorize the use of said gold bonds in funding the outstanding

bonds, or authorize the exchange of said gold bonds for any outstanding bonds of the State."

Mr. Phillips proposed to amend as follows:

"Nothing in this act shall be so construed as to authorize the Governor, in funding the bonds, to compound the interest."

This amendment was agreed to.

Mr. Price offered the following amendment, to follow immediately after the last amendment of Mr. Bryant:

"Or any bonds heretofore authorized to be issued by this General Assembly."

On motion of Mr. Simms the pending bill, with amendments agreed to and proposed, was recommitted to the Finance Committee.

Mr. Fitzpatrick moved that the resolutions relative to the impeachment of the Treasurer of the State be made the first business in order for to-morrow.

Mr. Bryant moved to amend by substituting Friday next.

Mr. O'Neal of Lowndes called for the previous question, which was sustained, on the motion of Mr. Fitzpatrick.

Mr. Bryant rose to a point of order, assuming that the longest time takes precedence, and that it could not be cut off by the call of the previous question.

The Speaker *pro tem.* overruled the point of order.

The main question was put, and upon this the yeas and nays were required to be recorded.

Those voting in the affirmative are Messrs.—

Allen of Hart,	Gardner,	McCormick,
Bell,	Guilford,	Nesbit of Gordon,
Bethune,	Holcombe,	O'Neal of Lowndes,
Carson,	Harden,	O'Neal of Baldwin,
Clower,	Hutchings,	Porter,
Darnell,	Harris of Glascock,	Perkins of Dawson,
Davis,	Harrison of Hancock,	Rogers,
Evans,	Hall of Meriwether,	Richardson,
Fitzpatrick,	Joiner,	Smith of Muscogee,
Franks,	Johnson of Towns,	Warren of Burke,
Floyd,	Lastinger,	Williams of Harris,
Golden,	Madison,	Zellars.

Those voting in the negative are Messrs.—

Anderson,	Gullatt,	Phillips,
Belcher,	Higdon,	Prudden,
Beard,	Houston,	Perkins of Cherokee,
Brown,	Hamilton,	Rainey,
Barnum,	Harkness,	Rawles,
Ballanger,	Hook,	Rumph,
Bryant,	Humber,	Sewell,
Campbell,	Harris of Murray,	Strickland,
Clark,	Harper of Sumter,	Simms,
Caldwell,	Hall of Bulloch,	Saulter,
Cleghorn,	Hall of Glynn,	Sisson,
Colby,	Jackson,	Shumate,
Erwin,	Johnson of Forsyth,	Shackleford,
Felder,	Kyle,	Scroggins,
Ford,	Moore,	Smith of Coffee,
Fryer,	McArthur,	Turner,
Fincannon,	Nash,	Vinson,
Goodwin,	Osgood,	Walthall,
Gober,	Parks,	Warren of Quitman,
Gray,	Paulk,	

Yeas 36.

Nays 59.

So the motion of Mr. Fitzpatrick did not prevail.

Mr. Bryant moved to make said resolutions of impeachment the special order for Friday next.

This motion prevailed.

On motion of Mr. Darnell the following communication of his Excellency the Governor was taken up and read:

EXECUTIVE DEPARTMENT,
ATLANTA, GEORGIA, August 25, 1870.

To the General Assembly:

I transmit herewith a communication received from the Secretary of State, announcing the discovery of two packages of bonds, amounting in the aggregate, as is alleged, to three hundred and fifty thousand dollars, which were given in lieu of the Educational Fund appropriated by former State administrations to general uses. These packages have not yet been opened, and as they were not regularly turned over to the present Secretary of State by his

predecessor in office, I would respectfully recommend to your honorable body that a committee be authorized to examine and ascertain the value of these bonds, and give instruction as to what disposal shall be made of them.

RUFUS B. BULLOCK.

STATE OF GEORGIA, DEPARTMENT OF STATE,
ATLANTA, August 25, 1870.

To his Excellency Rufus B. Bullock, Governor :

I have the honor to report that there have come into my possession to-day two packages purporting to be bonds of the State of Georgia, one package containing one hundred and fifty bonds for \$1,000 each, the other containing two hundred bonds of \$1,000 each, in all \$350,000, and given in lieu of the Educational Fund, appropriated by former State administrations to general uses.

It is proper to state that I was not aware of the existence of these bonds until within a few days past, and I have now to ask your Excellency, or through you, the General Assembly, to take measures to ascertain the value of these bonds, and to direct me as to their disposal.

I shall permit the bonds to remain in the packages as they were found.

Very respectfully,

DAVID G. COTTING,
Secretary of State.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have passed the following bill, in which they ask the concurrence of the House :

A bill to be entitled an act to amend sections 4725, 4726, 4732, 4733, 4734, 4735, 4736, 4737, 4738, 4739, 4741, 4749 and 4751 of Irwin's Code, relating to the city of Savannah.

Mr. Darnell offered the following resolution, which was taken up, read and agreed to :

WHEREAS, His Excellency the Governor has communicated to this House a message, in which he informs this body that certain bonds belonging to the School Fund have been discovered;

AND WHEREAS, In that message the Governor has recommended that a committee be appointed to examine and ascertain the value of these bonds, and give instruction as to what disposal shall be made of them;

Therefore resolved, That a committee of three from the House and two from the Senate be at once appointed to take into consideration the recommendation contained in the message of his Excellency the Governor in relation to the recovered bonds, and report the result of their investigation to the House immediately.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have passed the following bill of the House, with certain amendments, in which they ask the concurrence of the House :

A bill to be entitled an act to incorporate the North & South Railroad Company of Georgia, from the city of Rome to the city of Columbus; to grant certain powers and privileges to the same, and to grant the guaranty and indorsement of the State of Georgia upon the bonds of said company, and for other purposes.

And I am directed to transmit the same forthwith to this branch of the General Assembly

On motion of Mr. Shumate it was ordered that when the House adjourn this day at 1 o'clock, it do adjourn to meet at 4 p. m. for the purpose of reading Senate and House bills the first and second times, and adjourn at 6 o'clock.

Leave of absence, for a few days on special business, was granted Messrs. Harkness, Matthews, Maxwell, Page, Houston, Johnson of Forsyth, Rainey, Rice, Gray, Colby

and Warren of Quitman; and to Messrs. Nesbit of Gordon, Buchan, Rawles, Shackleford and Nisbet of Dade, on account of sickness of themselves or families.

The hour of adjournment arrived, and the House adjourned until 4 o'clock P. M.

4 O'CLOCK P. M.

The House met pursuant to adjournment.

On motion of Mr. Johnson of Towns the rules were suspended, and the bill of the Senate to amend an act entitled an act to loan the credit of the State to the Dalton & Morganton Railroad Company, and for other purposes, approved March 18, 1869, was read the first time.

The following bills were introduced and read the first time, to-wit :

By Mr. Fitzpatrick—

A bill to amend the several acts incorporating the city of Macon; to divide the city into wards, and for other purposes.

By Mr. Harkness—

A bill to amend section 2294 of Irwin's Revised Code, as to the manner of appointing trustees in certain cases.

By Mr. Cleghorn—

A bill for the relief of Fleming Moss and Catharine Moss.

By Mr. Porter—

A bill to provide for the appointment of a land commissioner, and to define his powers and duties.

By Mr. Osgood—

A bill to amend the charter of the Savannah, Skidaway & Seaboard Railroad Company.

Also, a bill to relieve Halstead Smith, a minor of Chatham county

By Mr. Hillyer—

A bill granting land to the St. Mary's Western Railroad Company, and providing terms of sale, etc.

By Mr. Anderson—

The petition of W S. McElfreth.

The same was referred, without being read, to the Committee on Petitions.

By Mr. Holcombe—

A bill to require the Mayor and Council of the city of Atlanta to cause the entire police force of Atlanta to be so uniformed as to be readily recognized by the public as peace officers.

Also, a bill to amend an act to change the name of the Southern Central Agricultural Society, and to appropriate money for the benefit of the same, passed December 20, 1860.

Also, a bill to amend the 1676th section of the Code of Georgia, and to make further provisions for the incorporation of universities, colleges and other educational institutions.

By Mr. McWhorter—

A bill to stay proceedings in all the courts in this State as against all contracts made and entered into prior to the fifth day of June, 1865.

By Mr. Erwin—

A bill to amend an act, approved October 10, 1868, to provide for a survey of the lands in the Sixth District of Habersham county.

By Mr. Price—

A bill to appropriate money for the Georgia State Agricultural Society.

Also, a bill to amend an act to protect the planters of Georgia against the sale of spurious fertilizers.

Also, a bill to establish a general system of railroad incorporations, and giving State aid to the same.

By Mr. Hall of Meriwether—

A bill to promote home manufactures.

By Mr. Clower—

A bill to vacate certain offices now illegally filled, and provide lawful officers for the same.

By Mr. McArthur—

A bill to authorize and empower certain persons therein named to build a bridge, or establish a ferry across the

Little Ocmulgee River, upon their own lands, or upon lands over which they have control.

Also, a bill to require the corporate authorities of the city of Darien to appoint as many inspectors and measurers of lumber and timber for the port of Darien as may make application for said appointment, upon giving the usual bond, and for other purposes.

By Mr. Lee—

A bill to lay out and organize a new county from the counties of Newton, Henry, Gwinnett and DeKalb, and for other purposes therein mentioned.

By Mr. Strickland—

A bill to loan the credit of the State to the Polk Slate-Quarry Railroad, and for other purposes.

By Mr. Warren of Quitman—

A bill to incorporate the Colored Benevolent Association of Georgetown, Quitman county, Georgia.

By Mr. Saulter—

A bill to change the line between the counties of Pulaski and Wilcox.

Also, a bill to levy a tax on dogs in this State.

By Mr. Buchan—

A bill to incorporate the town of Eastman, in the county of Pulaski, and to appoint officers of the same.

By Mr. Carson—

A bill to change the 3640th section of the Revised Code.

By Mr. Caldwell—

A bill to appropriate money for the Georgia State Agricultural Society.

By Mr. Johnson of Towns—

A bill for the relief of J. M. Hudson, of the county of Towns.

By Mr. Kytile—

A bill to incorporate the town of Cleveland, in the county of White, and appoint commissioners for the same, and for other purposes herein mentioned.

By Mr. Tweedy—

A bill to incorporate the Georgia Savings Bank of Augusta.

By Mr. Osgood—

A bill to provide for the payment of Ordinaries of the counties of Chatham and Fulton.

By Mr. Price, as chairman of the Committee on Agriculture and Internal Improvements—

A bill to appropriate ten thousand dollars for the improvement of the Coosa River within the limits of the State, and for other purposes.

The following bills of the Senate were read the first time, to-wit:

A bill to change the county line between the counties of Macon and Sumter.

A bill for the relief of Jeddediah D. Garrison, of Coweta county.

A bill for the relief of Henry L. Tyson, Tax Collector of Schley county, and his securities, so far as relates to the Convention tax.

A bill to amend sections 4725, 4726, 4732, 4733, 4734, 4735, 4736, 4737, 4738, 4739, 4741, 4749 and 4751 of Irwin's Code, relating to the city of Savannah.

A bill to authorize the Mayor and Council of the city of Atlanta to provide for the introduction of water-works in said city, and for other purposes.

A bill to change the name of the City Banking Company of Macon.

A bill to incorporate a street railroad company in the city of Rome.

A bill to authorize the Ordinary of Glynn county to issue bonds to raise money for completing the court-house and jail, and for other purposes.

A bill to incorporate the Thomasville Loan & Trust Company.

A bill to amend an act to incorporate the Savannah, Griffin & North Alabama Railroad Company, approved February 11, 1854, and for other purposes.

A bill to donate the lands in the county of Cobb, formerly used for the purposes of the Georgia Military Institute, to the Trustees of the Marietta Male Academy for educational purposes.

A bill to require non-resident liquor dealers, or their agents, to obtain license before plying their avocation in this State.

A bill to amend the charter of the Atlanta & Roswell Railroad Company; to authorize said road to consolidate with the Atlanta & Richmond Air-Line Railway Company, and authorize the Atlanta & Richmond Air-Line Railway Company to indorse the bonds of the Atlanta & Roswell Railroad Company.

A bill to incorporate the City Bank of Albany, in the city of Albany.

Mr. Carson, chairman of the Enrolling Committee, submitted the following report :

Mr. Speaker :

The bill to be entitled an act to incorporate the Newnan & Americus Railroad Company, and for other purposes therein mentioned, is duly enrolled and ready for the signature of the Speaker of the House of Representatives.

WILLIAM C. CARSON,
Chairman Enrolling Committee.

Leave of absence was granted Mr. Phillips on account of sickness in his family.

The following bills were read the second time and referred to the Committee on the Judiciary, to-wit :

A bill to prevent property from being levied on and sold during a certain period.

A bill to relieve William Harrison and his security, Daniel E. Horton, both of the county of Stewart, from their liability as principal and security on administrator's bond.

A bill to alter and amend an act to regulate insurance business and insurance agencies in the State of Georgia, approved March 19, 1869.

A bill to incorporate the town of Geneva, in the county of Talbot.

A bill to authorize and require the removal of certain obstructions in Turkey Creek.

A bill to amend the jury law in this State.

A bill to prohibit Sheriffs, Constables and other officers from levying or collecting certain executions and decrees, and to protect such Sheriffs, Constables and other officers from punishment or suit for failing or refusing to levy or collect such executions.

A bill to repeal the 1045th section of the Code, and to require the Secretary of State to compile all the legislative enactments of this State in the manner now prescribed by law.

A bill to repeal section 11 of an act to organize a Criminal Court for each county of this State.

A bill to amend Irwin's Code of Georgia by striking the word "white" wherever it may occur.

A bill to amend section 4374 of Irwin's Code, relative to hunting, and for other purposes.

A bill to carry into effect section 23, article 1, of the Constitution of Georgia, and for other purposes.

A bill for the relief of James F Blackwell, Green Childs and others.

A bill to change the line between the counties of Houston and Macon.

A bill to repeal section 1978 of the Code.

A bill to change the road laws of this State for the county of Stewart.

A bill to define the liability of commissioners in each of the counties of this State for the revision of the jury lists.

A bill to repeal an act to require the Ordinaries of the counties of Stewart and Webster to levy a tax for certain purposes.

A bill for the relief of certain persons therein named.

A bill for the relief of Robert F Tullis and James O. Holley.

A bill to amend an act organizing a Criminal Court in each county in the State.

A bill to change the times of holding the Superior Courts of Wilkes county.

A bill to allow the Brunswick & Albany Railroad to cross Flint River, etc.

A bill to amend the common carrier laws of this State.

A bill to incorporate the Glynn County Marine Railway & Dry Dock Company, etc.

A bill to change section 367 of the Code.

A bill to repeal all acts authorizing the Ordinaries to bind out orphan children.

The following bills were read the second time and referred to the Committee on Corporations, to-wit :

A bill to incorporate the Policy Holders' Life & Tontine Assurance Company.

A bill to incorporate the Georgia European Steamship Company, and for other purposes.

A bill to incorporate the town of Ellaville, in Schley county.

A bill to incorporate the town of Boston, in the county of Thomas, and for other purposes.

A bill to incorporate the Planters' and Laborers' Loan and Trust Company.

A bill to incorporate the town of Preston, in Webster county, and for other purposes.

A bill to incorporate the German Immigrant Aid Society of Georgia, etc.

A bill to amend an act to alter and amend an act entitled an act incorporating the Trustees of Christ Church, Augusta.

The following bills were read the second time and referred to the Committee on Finance, to-wit :

A bill to fix the salaries of the Judges of the Supreme and Superior Courts.

A bill to incorporate the Okefenokee Canal, Land and Improvement Company.

A bill to extend the aid of the State to the Griffin, Monticello & Madison Railroad Company, and for other purposes.

A bill to authorize the Southwestern Railroad Company to subscribe for stock in the Americus & Florence Railroad Company

A bill to loan the credit of the State to the Americus & Florence Railroad Company.

A bill to extend the aid of the State to railroads.

A bill to purchase a law book for the use of the State, etc.

A bill to protect the credit of the State in its guarantee of the bonds of railroad companies.

A bill to authorize the county of Stewart to subscribe \$150,000 to the Bainbridge & Columbus Railroad Company, and for other purposes.

The following bills were read the second time and referred to the Committee on New Counties and County Lines, to-wit:

A bill to change the county lines of Jackson and Walton.

A bill to change the county lines of Taylor and Talbot.

A bill to change the lines of DeKalb county.

The following bills were read the second time and referred to the Committee on Agriculture and Internal Improvements, to-wit:

A bill to incorporate the Lookout Mountain Railroad, Iron, Steel & Coal Company

A bill to prevent certain stock from running out in Morgan county.

The following bills were read the second time and ordered to be engrossed, to-wit:

A bill for the relief of Powell and Dorathy Blassingame, and for other purposes.

A bill to provide the mode and manner of compelling putative fathers to maintain their illegitimate children, etc.

A bill to incorporate the Farmers' Bank of Western Georgia was read the second time and referred to the Committee on Banks.

A bill to enforce the fifteenth section of article 5 of the State Constitution was read the second time and referred to the Committee on Relief.

A bill to authorize the Ordinary of Liberty county to keep his office at his house was withdrawn.

The House adjourned until 9 o'clock A. M. to-morrow.

SATURDAY, August 27, 1870,
9 o'clock A. M.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Crumley.

The Journal was read and approved.

Mr. Darnell moved a suspension of the rules for the purpose of reading bills of the House, incorporating railroad companies, the second time, and referring them with instructions that they be reported on in time to come up as the special order of Monday next.

This motion was amended, on motion of Mr. Simms, by providing that the bill to regulate common carriers of this State be taken up and acted on this day.

The motion, as amended, prevailed.

Mr. O'Neal of Lowndes offered the following resolution, which was taken up under the suspension of the rules:

Resolved, That all Sheriffs, Constables, and other ministerial officers of this State, are hereby prohibited from making any levies or sales under *fi. fas.* founded upon contracts entered into prior to June 1, 1865, until this General Assembly shall adjourn, or take final action on the subject of relief.

The resolution was agreed to.

Mr. Tumlin moved that the Clerk transmit the same to the Senate without delay

Mr. Rumph gave notice that he would move a reconsideration of this resolution.

The motion of Mr. Tumlin was submitted to the House, and prevailed by a vote of two-thirds.

Mr. Hall of Meriwether, chairman of the Finance Committee, submitted the following report :

Mr. Speaker :

The Committee on Finance have had under consideration the following bills, which they respectfully return, to-wit :

A bill to be entitled an act to incorporate the Atlanta & Blue Ridge Railroad Company, and extend aid to the same, which they recommend do pass as amended.

Also, report a bill, as a substitute for a funding bill referred from the House, entitled an act to authorize the issue of bonds of this State, and for other purposes, which they recommend do pass.

W. H. F. HALL,

Chairman Finance Committee.

The following bills were read the second time and referred to the Committee on Finance, with instructions to report the same back to the House in time for the special order of Monday next, to-wit :

A bill to incorporate the Gainesville & Ellijay Railroad Company

A bill to incorporate the Gainesville & Rabun Gap Railroad Company, and to grant certain privileges to the same.

A bill to incorporate the Griffin, Monticello & Madison Railroad Company, and for other purposes therein named.

A bill to alter and amend an act to incorporate the stockholders of the Cartersville & Van Wert Railroad Company, passed by the Legislature of Georgia on the 13th day of December, 1866.

A bill to loan the credit of the State to the Trion Railroad Company of this State.

A bill to incorporate the McDonough Western Railroad Company, and loan the credit of the State to said company, and for other purposes.

A bill to revive and amend the act to incorporate the Columbus Railroad Company, approved March 9, 1866.

A bill to incorporate the Augusta & Louisville Railroad Company, and for other purposes.

A bill to incorporate the Great Southern Railroad Company.

A bill to amend the charter of the Savannah, Skidaway & Seaboard Railroad Company.

A bill to incorporate the Americus & Isabella Railroad Company, and loan the credit of the State to the same.

A bill to loan the credit of the State to the Polk Slate Quarry Railroad, and for other purposes.

A bill to establish a general system of railroad incorporations, and giving State aid to the same.

A bill granting land to the St. Mary's & Western Railroad Company, and providing terms of sale, etc.

On motion of Mr. Tumlin the bill to incorporate the Chattahoochee Railroad Company, and for other purposes, was recommitted to the Finance Committee.

Also, on his motion, the bill to incorporate the Cuthbert Banking, Loan & Trust Company was recommitted to the Committee on Banks.

General Ira R. Foster and Dr. Thomas F. Green were, by resolution of Mr. Hall of Glynn, invited to seats on this floor during their stay in the city.

The following bills of the Senate were, under a suspension of the rules, read the second time and referred to the Committee on Finance, with instructions to report by Monday, in time for the special order of that day, to-wit:

A bill to extend the aid of the State to the completion of the Savannah, Griffin & North Alabama Railroad Company, and for other purposes.

A bill to amend an act to loan the credit of the State to the Dalton & Morganton Railroad Company, and for other purposes, approved March 18, 1869.

The House took up the report of the committee on the bill to regulate common carriers in this State.

Mr. Porter offered a substitute therefor, which he afterwards withdrew.

Mr. Shumate moved to amend the bill by adding the following to the conclusion of the first section thereof: "*Provided*, That common carriers shall provide separate, equal accommodations for the white and colored races."

Mr. Fitzpatrick called for the previous question on the motion to agree to the report of the committee.

The call was sustained.

The report was agreed to. The bill was read the third time and passed.

On motion of Mr. Belcher the bill was ordered to be transmitted to the Senate without delay.

On motion of Mr. Bryant the House took up the report of the Finance Committee on the bill to authorize the issue of bonds of this State, whereby to redeem all bonds, and the interest thereon, now due or falling due, etc.

The Committee on Finance reported the following as a substitute, to-wit:

A bill to authorize the issue of bonds of this State, whereby to redeem all bonds, and the interest thereon, now due or falling due, and for other purposes therein mentioned.

Mr. Madden moved to amend the report by striking from the same the words "gold coin," wherever the same occur therein.

Mr. Darnell moved to lay the motion of Mr. Madden on the table.

Mr. Barnum moved to lay the whole subject-matter pending on the table, and on this the yeas and nays were required to be recorded.

Those voting in the affirmative are Messrs.

Armstrong,	Holcombe,	Paulk,
Anderson,	Holden,	Prudden,
Bethune,	Harden,	Perkins of Cherokee,
Brown,	Hamilton,	Rosser,
Barnum,	Hook,	Rumph,
Ballanger,	Humber,	Strickland,
Carpenter,	Harris of Murray,	Sisson,
Cleghorn,	Harper of Sumter,	Shumate,
Erwin,	Hall of Bulloch,	Sorrells,
Evans,	Kyle,	Smith of Coffee,
Felder,	Lane,	Tumlin,
Ford,	Madison,	Vinson,
Fincannon,	McArthur,	Watkins,
Gullatt,	Neal,	Walthall,
Higdon,	Nisbet of Dade,	Welchel.

Those voting in the negative are Messrs.—

Allen of Hart,	Hutchings,	O'Neal of Baldwin,
Belcher,	Hooks,	Porter
Brown,	Harrison of Hancock,	Perkins of Dawson,
Bradford,	Hall of Meriwether,	Rogers,
Campbell,	Hall of Glynn,	Sewell,
Clower,	Joiner,	Simms,
Costin,	Jackson,	Saulter,
Darnell,	Johnson of Towns,	Smith of Charlton,
Fitzpatrick,	Johnson of Spalding,	Smith of Muscogee,
Franks,	Lastinger,	Tweedy,
Floyd,	Linder,	Thomason,
Golden,	Madden,	Warren of Burke,
Gardner,	Moore,	Williams of Harris,
Guilford,	O'Neal of Lowndes,	Zellars.
Hughes,		

Yeas 45.

Nays 43.

So the motion to lay the whole subject-matter on the table prevailed.

Mr. Hillyer offered a resolution, which was read for the information of the House, relative to the publication of the acts and resolutions of the present General Assembly.

Mr. Darnell moved a suspension of the rules for the introduction of the same.

The motion to suspend the rules did not prevail.

The House took up the report of the committee on the bill to amend an act for the more efficient preservation of peace and good order on election days in this State.

The report of the Judiciary Committee on the same was adverse to its passage.

The report was agreed to, and the bill, therefore, lost.

On motion of Mr. Fitzpatrick the rules were suspended, and the bill to amend the several acts incorporating the city of Macon; to divide the city into wards, and for other purposes, was read the second time and referred to the Committee on Corporations.

The House took up the report of the Committee on Banks on the bill to incorporate the People's Savings Bank & Trust Company of Savannah, the same recommending its passage with amendments.

The report of the committee was agreed to. The bill was read the third time and passed as amended.

Mr. O'Neal of Lowndes offered the following privileged resolution:

Resolved, That, after to-day, there be two sessions a day, one in the forenoon from 9 until 1 o'clock, and one in the evening from 8 until 10 o'clock.

A motion to take up the same did not prevail.

The following message was received from the Senate, through Mr. Mills, their Secretary:

Mr. Speaker:

The Senate have passed the following bill, in which they ask the concurrence of the House:

A bill to be entitled an act to amend an act entitled an act to loan the credit of the State to the South Georgia & Florida Railroad Company; to fix the location and termini of said road; to extend the aid of the State to the further completion of said road, and for other purposes, assented to September 26, 1868.

The House took up the report of the committee on the

bill to amend the charter of the Planters' Warehouse Company of the city of Macon.

The report of the Judiciary Committee, which was adverse to the passage of this bill, was agreed to, and the bill, therefore, lost.

The House took up the report of the committee on the bill to extend, continue and renew the banking privileges of the Central Railroad & Banking Company of Georgia.

Mr. O'Neal moved that the same be indefinitely postponed.

Upon this motion Mr. Fitzpatrick called the previous question, which was sustained.

The main question was put, and on this Mr. Simms required the yeas and nays to be recorded.

Those voting in the affirmative are Messrs.—

Anderson,	Holden,	Nesbit of Gordon,
Allen of Hart.	Harden,	O'Neal of Lowndes,
Brassell,	Hughes,	O'Neal of Baldwin,
Belcher,	Hutchings,	Paulk,
Barnum,	Hook,	Porter,
Bradford,	Harrison of Hancock,	Perkins of Dawson,
Carpenter,	Hall of Glynn,	Rogers,
Clower,	Joiner,	Rumph,
Costin,	Johnson of Towns,	Strickland.
Darnell,	Kyle,	Saulter,
Fitzpatrick,	Lastinger,	Sorrells,
Franks,	Madden,	Tumlin,
Fincannon,	McArthur,	Welchel,
Gardner,	McCormick,	Warren of Burke,
Guilford,	Neal,	Williams of Harris.

Those voting in the negative are Messrs.—

Armstrong,	Ford,	Harris of Murray,
Bethune,	Golden,	Harper of Sumter,
Brown,	Gullatt,	Hall of Meriwether,
Ballanger,	Hillyer,	Hall of Bulloch,
Bryant,	Higdon,	Jackson,
Erwin,	Hamilton,	Lane,
Felder,	Hooks,	Linder,
Floyd,	Humber,	Madison,

Osgood,
Prudden,
Perkins of Cherokee,
Rosser,
Simms,

Sisson,
Shumate,
Tweedy,
Turner,

Vinson,
Watkins,
Walthall,
Zellars.

Yeas 45.

Nays 37.

So the motion to indefinitely postpone prevailed.

The following message was received from his Excellency the Governor, through Mr. Atkinson, his Secretary, to-wit:

Mr. Speaker:

The Governor has approved and signed the following act, to-wit:

An act to incorporate the Newnan & Americus Railroad Company, and for other purposes therein mentioned.

The following message was received from the Senate, through Mr. Mills, their Secretary:

Mr. Speaker:

The Senate have passed the following bills, in which they ask the concurrence of the House:

A bill to be entitled an act to amend an act incorporating the Ocmulgee River Railroad Company, and for other purposes therein mentioned, passed March 23, 1864, and to change the name thereof, and to loan the credit of the State to the Ocmulgee & North Georgia Railroad Company.

A bill to be entitled an act to incorporate the Griffin, Monticello & Madison Railroad Company, etc.

They have also concurred in the following bill of the House:

A bill to be entitled an act to authorize the Governor to borrow money, etc.

And I am directed to transmit the same forthwith to this branch of the General Assembly.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have concurred in the following resolution of the House, to-wit :

A resolution appointing a joint committee to take into consideration the recommendation of his Excellency the Governor in relation to the recovered bonds, etc., and have appointed as a committee, on their part, Messrs. Hinton and Henry.

The Senate have also concurred in the House resolution requesting the Governor to furnish information to this body concerning immigration, etc.

The House, on motion, adjourned until Monday next, 10 o'clock A. M.

MONDAY, August 29, 1870,
10 o'clock A. M.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Brantly.

The Journal was read and approved.

Mr. Rumph moved a reconsideration of so much of the Journal of Saturday as relates to the adoption of the resolution suspending, temporarily, levies and sales in certain cases.

The Speaker ruled the motion out of order, as the resolution was ordered by a vote of two-thirds to be transmitted, on the day of their adoption, to the Senate.

Mr. Armstrong moved a reconsideration of so much of the Journal of Saturday as relates to the indefinite postponement of the bill to renew, extend and continue the rights and privileges of the Central Railroad & Banking Company of Georgia.

Mr. Hall of Glynn called the previous question on the motion to reconsider.

The call was sustained.

The main question was put, and on this the yeas and nays were required by Mr. Osgood to be recorded thereon.

Those voting in the affirmative are Messrs.—

Armstrong,	Harkness,	Pepper,
Bethune,	Hooks,	Prudden,
Brown,	Humber,	Reddish,
Barnum,	Harper of Sumter,	Rosser,
Bryant,	Harrison of Franklin,	Rumph,
Clark,	Hall of Meriwether,	Sewell,
Erwin,	Hall of Bulloch,	Simms,
Evans,	Joiner,	Shumate,
Felder,	Lee,	Scott,
Fowler,	Lane,	Scroggins,
Fryer,	Lastinger,	Thomason,
Fincannon,	Linder,	Turner,
Gober,	Madison,	Tumlin,
Golden,	Matthews,	Vinson,
Gullatt,	Moore,	Watkins,
Higdon,	McDougald,	Walthall,
Holcombe,	Nisbet of Dade,	Warren of Quitman,
Harden,	Osgood,	Williams of Morgan,
Hamilton,	Parks,	Zellars.

Those voting in the negative are Messrs.—

Atkins,	Goodwin,	O'Neal of Lowndes,
Allen of Hart,	Gardner,	O'Neal of Baldwin,
Bell,	Guilford,	Paulk,
Beard,	Hillyer,	Porter,
Bradford,	Hutchings,	Perkins of Dawson,
Carson,	Hook,	Perkins of Cherokee,
Carpenter,	Harris of Glascock,	Rogers,
Campbell,	Harrison of Hancock,	Strickland,
Clower,	Hall of Glynn,	Saulter,
Cleghorn,	Johnson of Towns,	Sorrells,
Costin,	Johnson of Forsyth,	Smith of Charlton,
Darnell,	Madden,	Smith of Coffee,
Davis,	McCormick,	Smith of Muscogee,
Fitzpatrick,	Neal,	Welch,
Franks,	Nash,	Williams of Harris,
Floyd,		

Yeas 57

Nays 46.

So the motion to re

Mr. Carson, chairman of the Committee on Enrollment, submitted the following report:

Mr. Speaker:

The following bill and resolutions are duly enrolled and ready for the signature of the Speaker of the House of Representatives:

A bill to be entitled an act to authorize the Governor to borrow money, etc.

A resolution requesting the Governor to furnish information to this body concerning immigration, the amount of money expended, etc.

A resolution appointing a joint committee to take into consideration the recommendation of his Excellency the Governor in relation to the recovered bonds, etc.

WM. C. CARSON,
Chairman Enrolling Committee.

Mr. Hall, chairman of the Committee on Finance, made the following report:

Mr. Speaker:

The Committee on Finance have had under consideration the following bills, which they recommend do pass, to-wit:

A bill to be entitled an act to loan the credit of the State to the Polk Slate Quarry Railroad, and for other purposes.

A bill to be entitled an act to amend an act entitled an act to loan the credit of the State to the Dalton & Morganton Railroad Company, and for other purposes, approved March 18, 1869.

A bill to be entitled an act to incorporate the Griffin, Monticello & Madison Railroad Company, and for other purposes therein mentioned.

A bill to be entitled an act to authorize the Southwestern Railroad Company to subscribe for stock in the Americus & Florence Railroad Company.

Also, the following bills to pass as amended:

A bill to be entitled an act to loan the credit of the State to the Americus & Florence Railroad Company.

A bill to be entitled an act to extend the aid of the State to the Griffin, Monticello & Madison Railroad Company, and for other purposes.

A bill to be entitled an act to incorporate the Chattahoochee Railroad Company, and for other purposes therein mentioned.

A bill to be entitled an act to incorporate the Americus & Isabella Railroad Company, and to loan the credit of the State to the same.

A bill to be entitled an act to incorporate the Gainesville & Ellijay Railroad Company.

Also, the following Senate bill do pass unamended:

A bill to be entitled an act to extend the aid of the State to the completion of the Savannah, Griffin & North Alabama Railroad, and for other purposes.

W H. F HALL,
Chairman Finance Committee.

The following message was received from his Excellency the Governor, through Mr. Atkinson, his Secretary, to-wit:

Mr. Speaker:

I am directed by his Excellency the Governor to deliver to the House of Representatives a communication in writing, with accompanying documents.

Mr. Hillyer, from the Judiciary Committee, presented the following minority report:

We, the undersigned members of the Committee on the Judiciary, to whom was referred the bill to be entitled an act to alter and amend sections 4725, 4726, 4732, 4733, 4734, 4735, 4736, 4737, 4738, 4739, 4741, 4749 and 4751 of Irwin's Code, relating to the city of Savannah, unable to agree with the majority of the committee in their report thereon, beg leave to report as follows:

That the present system of registration requiring the

Clerk of the City Council to register all the legal voters in that city is inadequate to prevent fraud, and that a more perfect system should be adopted; that the attempt to cast the ballots of six thousand legal voters at the courthouse precinct, or in and about one building in one day, has been and necessarily must be attended with the most pernicious results.

Such large masses of men cannot be crowded together on such exciting occasions, and compelled to wait in long lines for hours in the hot sun or pouring rain, each anxious to deposit his vote and return to his business, without imminent danger of a collision resulting in riot and bloodshed, and a certainty that hundreds will lose an opportunity to vote at all.

We regret to learn that such was the result of the attempt at the late Presidential election, when five men were killed and seventeen were wounded, and the fear of a similar occurrence prevented large numbers of respectable citizens from participating in the city election a year ago.

No number of boxes in or about one building can remedy such an evil, but would rather increase the confusion by dividing the list of voters, but not separating the excited crowd to any considerable distance.

The present system practically disfranchises hundreds of gentlemen who cannot afford to spend a day in an immense crowd endeavoring to get to the ballot-boxes, or who may fear violence in their excited state.

The present law might be effective in a town of two thousand inhabitants; but for a city of thirty-six thousand people, it is cruel, unjust and absurd. It ought to be immediately changed.

Few other cities in the United States allow more than from two hundred and seventy-five to five hundred voters to register and vote at one precinct, and their wards are divided accordingly.

Instead of allowing only six and five-tenth seconds to each voter to cast his ballot, this bill proposes to register, vote for and elect Aldermen by militia districts, giving

ample time and opportunity to voters. Justices of the Peace have long been thus elected, and no complaints of fraud have been made—no violence and rioting have occurred.

It is an old, tried and valuable system. The districts are familiar to the people, and a board of well-known and respectable citizens, residents of the district, one of them elected by the people, others appointed by the Ordinary, are to be the registrars and judges of election. Having a thorough acquaintance with the people of their own district, they will readily detect frauds in registration or voting.

Separating the discordant elements in a large seaport city into small crowds of voters, the voting must necessarily be done with greater rapidity and more peacefully.

The necessary changes in length of time of residence required to vote is made to conform more nearly to the new Constitution than the old law.

The abolition of the poll tax or city registration fee, heretofore required before registration, is in accordance with the opinion of the Attorney-General of Georgia, given in the case of the town of McIntosh, that the same is unconstitutional and cannot be lawfully required.

At present, the wealthy man, who will swear he is worth sufficient property to satisfy all claims on him for taxes, can vote without paying those taxes, but the poor man who cannot so swear, and is not worth the property, though the lives of himself and family are as dear to him as to the wealthy, and he has equally as great interest in the efficient government for their protection, yet cannot vote.

To remedy this evil the present bill requires no pre-payment of tax, as a qualification to vote, from any man.

The registrars and judges of election are appointed as in other elections.

Local interests are protected by electing Aldermen by districts, in the same manner that county and districts interested are, by the election of Representatives and Senators to the Legislature. Many counties have less voters and less property than can be found in any district in Savannah.

Such are the more important provisions of the bill, the evils of the present system and the proposed remedies. It seems to us that the provisions of the bill are just and fair to all parties, and will tend to prevent fraud, loss of time and loss of life in voting; that it looks to a fair registration and election, instead of an inconvenient and dangerous system, promoting fairness, peace and harmony, instead of fraud, discord and murder. We trust it will remedy many, if not all, of the evils heretofore complained of, and, therefore, recommend that the bill do pass.

JOHN W. O'NEAL,
EDWIN BELCHER,
W. H. F. HALL,
VIRGIL HILLYER,
S. A. DARNELL,
J. T. COSTIN,
H. M. TURNER,
W. L. GOODWIN.

Undersigned is in favor of the passage of the bill with certain amendments, and recommend that the bill be amended by striking out all sections that do not refer to elections; that the sections laying off the city in districts, or adopting the four militia districts, should be amended so as to lay off the city into six wards, each containing about the same number of voters, and which should each elect two Aldermen.

The other portions of the bill may probably need amendments. I recommend that it be taken up by sections, and each section considered separately.

MARION BETHUNE.

On motion of Mr. Bryant the following resolution was taken up, read and agreed to:

Resolved by the House of Representatives, the Senate concurring therein, That the Treasurer be, and he is hereby, authorized and required to pay to each member of the General Assembly the sum of one hundred dollars, and to each officer thereof the same amount.

The same, on motion of Mr. Bryant, was ordered to be transmitted to the Senate without delay.

On motion of Mr. Armstrong the bill reconsidered this day relative to the renewal and extension of certain privileges to the Central Railroad & Banking Company, was made the special order for Tuesday next.

Mr. Tweedy moved a suspension of the rules for the purpose of taking up a resolution in relation to the indorsement of bonds of the Cartersville & Van Wert Railroad.

The motion did not prevail.

The House took up the report of the committee on the bill to extend aid and lend the credit of the State of Georgia to the Memphis Branch Railroad Company, and to amend the charter of the same, and for other purposes.

Mr. Parks moved to amend the same by striking out "twelve thousand" wherever it occurs, and inserting in lieu thereof, "fifteen thousand."

Also, to amend section 5, by striking out "two hundred and forty thousand," and inserting "three hundred thousand."

The same were adopted.

The report, as amended, was agreed to. The bill was read the third time, passed as amended, and the Clerk instructed to transmit the same to the Senate without delay.

The House took up the report of the committee on the bill to incorporate the Atlanta & Lookout Railroad Company, and to extend the aid of the State to said company, and for other purposes.

Mr. Lane called for the previous question, which was sustained.

The main question was put.

The report was agreed to. The bill was read the third time and passed.

The same was ordered to be transmitted to the Senate without delay.

The House took up the report of the committee on the bill to incorporate the Lookout Mountain Railroad Company, and for other purposes.

Mr. Shumate offered an amendment thereto, which with the bill was recommitted to the Finance Committee.

The House took up the report of the committee on the bill to amend an act incorporating the Ocmulgee River Railroad Company, and for other purposes therein mentioned, passed March 23, 1864; and to change the name thereof; and to loan the credit of the State to the Ocmulgee & North Georgia Railroad Company, and to grant telegraphic facilities.

The same was reported back by the Committee on Agriculture and Internal Improvements, with an amendment, recommending its passage as amended.

Mr. Lee offered, as a substitute for the bill and proposed amendment, a Senate bill to amend an act incorporating the Ocmulgee River Railroad Company, and for other purposes therein mentioned, passed March 23, 1864, and to change the name thereof, and to loan the credit of the State to the Ocmulgee & North Georgia Railroad Company.

Mr. Sorrells proposed to amend the first section of the substitute by striking out the words "via Covington, in the county of Newton, and Lawrenceville, in the county of Gwinnett," and inserting in lieu thereof, "the most direct and practicable route from the city of Macon to Knoxville, Tennessee."

Mr. Fitzpatrick moved to amend by the following proviso:

"Provided, That said road shall never directly or indirectly be controlled, managed or worked by the Central Railroad, which, if it occurs, shall forfeit the charter."

Mr. Armstrong called for the previous question on the substitute.

The call was not sustained.

The amendment of Mr. Fitzpatrick was agreed to.

Mr. Darnell called for the previous question on the adoption of the substitute as amended.

The call was sustained, the main question put, and the substitute adopted as amended.

The report, as amended, was agreed to. The bill was read the third time and passed as amended.

Mr. Sorrells gave notice that he would move a reconsideration to-morrow.

Mr. Hall of Glynn offered the following resolution, which was taken up, read and agreed to :

Resolved, That this House hold an afternoon session, commencing at 3 o'clock, for the purpose of continuing the consideration of railroad bills.

The following message was received from his Excellency the Governor, through Mr. Atkinson, his Secretary, to-wit :

Mr. Speaker :

I am directed by his Excellency the Governor to deliver to the House of Representatives a communication in writing, with accompanying document.

The following message was received from the Senate, through Mr. Mills, their Secretary :

Mr. Speaker :

The Senate have passed the following resolution of the House, with certain amendments, in which they ask the concurrence of the House :

A resolution that all Sheriffs, Constables, and other ministerial officers of this State, are hereby prohibited from making any levies or sales, under *fi. fas.*, founded upon contract, entered into prior to June 1, 1865, until this General Assembly shall adjourn or take final action on the subject of relief.

The hour of adjournment arrived, and the House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

The House met pursuant to adjournment.

The House took up the report of the committee on the

bill to incorporate the Americus & Florence Railroad Company, and for other purposes.

The report was agreed to. The bill was read the third time and passed.

The House took up the report of the committee on the bill to loan the credit of the State to the Marietta, Canton & Ellijay Railroad Company, and for other purposes.

The same was amended, on motion of Mr. Darnell, by the adoption of three additional sections.

On motion of Mr. Williams of Morgan the same was further amended by substituting "fifteen thousand dollars" for "twelve thousand dollars" wherever the latter occurs therein.

The report, as amended, was agreed to. The bill was read the third time, passed as amended, and, on motion of Mr. Darnell, ordered to be transmitted to the Senate forthwith.

The House took up the report of the Committee on the bill to amend an act to aid the Brunswick & Albany Railroad Company, approved March 18, 1869.

Mr. Tumlin called for the previous question, which was sustained.

The main question was put and the report agreed to.

The bill was read the third time and passed.

Mr. Williams of Morgan gave notice that he would move a reconsideration of the same.

Mr. Tumlin moved that the bill be transmitted to the Senate without delay.

The motion prevailed by a vote of two-thirds.

The House took up the report of the committee on the bill to incorporate the St. Mary's & Western Railroad Company, and to loan the credit of the State to the same, etc.

The same was amended, on motion of Mr. Darnell, by substituting "fifteen thousand dollars" in lieu of "twelve thousand dollars."

On motion of Mr. O'Neal of Lowndes it was further amended by striking from the seventh and eighth lines of the 7th section, the words, "and so on to Quitman, in

Brooks county," and by inserting in lieu thereof the following:

"Valdosta, in Lowndes county, or Quitman, in Brooks county, as may be determined by the company to be most practicable."

The report, as amended, was agreed to. The bill was read the third time and passed as amended.

On motion of Mr. Hillyer the bill was ordered to be transmitted to the Senate without delay.

The House took up the report of the committee on the bill to amend an act entitled an act to incorporate the Augusta & Hartwell Railroad Company; to grant State aid to the same, and for other purposes herein named.

On motion of Mr. Bell the same was amended by striking out "twelve thousand" and inserting "fifteen thousand" wherever the former occurs therein.

On motion of Mr. Bryant it was further amended by adding the following at the conclusion of the first section:

"That work shall commence at such point or points as may be convenient, within thirty days from the passage of this act by the General Assembly, and its approval by his Excellency the Governor."

The House took up the report of the committee on the bill to extend the aid of the State to the Fort Valley & Hawkinsville Railroad Company, and for other purposes.

The report was agreed to. The bill was read the third time, passed and ordered to be transmitted to the Senate without delay.

By resolution of Mr. Moore, Rev. J. Stockton, of Columbia county, was tendered a seat on this floor.

The following message was received from his Excellency the Governor, through Mr. Atkinson, his Secretary, to-wit:

Mr. Speaker:

I am directed by his Excellency the Governor to deliver to the House of Representatives a communication in writing.

On motion of Mr. Hall of Meriwether the communica-

tion referred to in the foregoing message was taken up, read and referred to the Committee on Finance.

It is as follows, to-wit :

EXECUTIVE DEPARTMENT,
ATLANTA, August 29, 1870.

To the General Assembly :

An act to authorize the Governor to borrow money, etc., adopted in the House on the 22d instant, and in the Senate on the 26th instant, has been approved.

By this act the Governor is authorized and required to effect a loan to the State by bond or otherwise, etc., of a sufficient amount of money to pay the members and other officers of this General Assembly, and immediate steps will be taken to carry out the wishes of the General Assembly in this regard ; but I embrace this opportunity to invite the attention of your honorable body to the important fact, that bonds of this State were issued before the war, bearing six per cent. interest, have fallen due and no provision has as yet been made for payment. Bonds issued and disposed of in England before the war, known as "Sterling Bonds," fell due in 1868, and are yet unprovided for. There is, in addition to this, some two hundred and twenty-five thousand dollars due the Fourth National Bank in New York, for amounts advanced by them to meet the interest on the State's bonded debt, in January and July of this year.

This amount has not, as yet, been provided for. I would, therefore, earnestly commend to your early attention the necessity which exists for some provision being made whereby a uniform series and character of bonds shall be authorized for the purpose of providing for the bonds which are past due, and for the settlement of this character of indebtedness. It would be unwise to attempt to issue or dispose of temporary bonds for the purposes named in the act referred to, while this large matured indebtedness exists, without any provision being made to protect the credit of the State, and I, therefore, indulge the hope that the wisdom of your honorable body will

suggest and enact such a law as will best protect our credit, by liquidating our indebtedness, through the use of uniform series of bonds that will secure a full price in the market. To offer a temporary bond now, in our present condition, would not bring, in the market, over 80 to 85 cents on the dollar, and the State's indorsement, which has been given to aid railroad enterprises, would be wholly unavailable to them.

The importance of this subject demands your early attention, and to it that attention is respectfully invited.

RUFUS B. BULLOCK.

The House took up the report of the committee on the bill to incorporate the Chattahoochee Railroad Company, and for other purposes therein mentioned.

The Finance Committee reported the same back to the House with an amendment.

The report, as amended, was agreed to. The bill was read the third time, passed as amended, and, on motion of Mr. Tumlin, ordered to be transmitted to the Senate without delay.

The House took up the report of the committee to incorporate the Barnwell, Millen & Albany Railroad Company; to grant State aid to the same, and for other purposes therein named.

The same was reported back to the House, with an amendment, by the Committee on Finance.

The same was amended, on motion of Mr. Carson, by providing "that work shall commence at such point, or points, as may be convenient, within thirty days from the passage of this act by the General Assembly, and its approval by his Excellency the Governor."

Mr. O'Neal offered the following amendments, which were agreed to: strike out the title, "Barnwell, Millen & Albany Railroad Company," and insert "Grand Trunk Railroad Company." Strike out all between the word "railroad," in the second line of the fourth section, and the word "and" in the ninth line of said section, and insert in lieu thereof the following: "From the Savannah

River via. Millen, to such point on the Florida line as may be ascertained most advantageous and practicable, crossing the Atlantic & Gulf Railroad at any point between Stockton, Clinch county, Georgia, and Bainbridge, Decatur county, Georgia."

Mr. O'Neal also proposed to amend by adding six new corporators, to-wit: Wm. Spain, Remer Y. Lane, J. C. Wisenbaker, A. H. Hansell, W. T. McArthur and John C. Wilcox.

The same was not received.

Mr. Madden called for the previous question on the adoption of the report of the committee as amended.

The call was sustained.

The main question was put, and the report, as amended, agreed to.

The bill was read the third time and passed as amended.

Mr. Fitzpatrick gave notice that he would to-morrow move a reconsideration.

The same was, on motion, ordered to be transmitted to the Senate without delay.

Mr. O'Neal of Lowndes offered the following resolution, which was read and agreed to, to-wit:

Resolved, That each and every bill in which State aid is granted be retained by the President of the Senate and Speaker of the House of Representatives until each and every such bill is acted upon, so that they may all go to the Governor at once.

Leave of absence was granted Mr. Kytle for a few days on special business.

The House took up the report of the committee on the bill to amend an act entitled an act to loan the credit of the State to the Dalton & Morganton Railroad Company, and for other purposes, approved March 18, 1869.

The report was agreed to. The bill was read the third time and passed.

The House, on motion, adjourned until 9 o'clock A. M. to-morrow.

TUESDAY, August 30, 1870,
9 o'clock A. M.

The House met pursuant to adjournment.

Prayer by the Rev Dr. Brantly

The Journal was read and approved.

Mr. Sorrells moved a reconsideration of so much of the Journal of yesterday as relates to the passage of the bill to amend an act incorporating the Ocmulgee Railroad Company, and for other purposes, passed March 23, 1864, and change the name thereof, and to loan the credit of the State to the Ocmulgee & North Georgia Railroad Company.

Mr. Turner moved to reconsider the action of the House in relation to the passage of all railroad bills granting State aid at the rate of fifteen thousand dollars per mile.

Mr. O'Neal moved a reconsideration of so much of the Journal of yesterday as relates to the passage of the bill to incorporate the Grand Trunk Railroad Company.

Mr. Scott moved to reconsider the action of the House in passing the bill to amend an act to aid the Brunswick & Albany Railroad Company, approved March 18, 1869.

Mr. Darnell rose to a point of order, assuming that the several motions to reconsider embraced bills which, having been transmitted to the Senate, by order of a two-thirds vote of the House, are, consequently, not now within the power of this body.

The Speaker decided the point of order well taken.

Mr. Scott took an appeal from the decision of the Chair.

The same was ordered to stand as the judgment of the House.

By resolution of Mr. O'Neal of Lowndes a seat on this floor was tendered the Hon. Amos T. Akerman during his stay in this city.

By resolution of Mr. Rice a similar privilege was extended to Prof. B. Mallon.

Mr. Hall of Meriwether, chairman of the Finance Committee, made the following report, to-wit :

Mr. Speaker:

The Finance Committee have had under consideration the following bills, which they recommend do pass, to-wit:

A bill to be entitled an act to incorporate the Great Southern Railway Company.

Also, the following bill they recommend do pass as amended.

A bill to be entitled an act to incorporate the Lookout Mountain Railroad Company, and to loan the aid of the State to the same, and for other purposes.

W H F HALL,
Chairman Finance Committee.

By resolution of Mr. Armstrong, Col. John B. Weems was invited to a seat on this floor.

The House took up the report of the committee on the bill to incorporate the Lookout Mountain Railroad Company; to grant State aid for the same, and for other purposes.

The same was reported back to the House by the Finance Committee with amendments.

Mr. O'Neal of Lowndes called the previous question on the report of said committee.

The call was sustained.

The report was agreed to. The bill was read the third time, passed as amended, and, on motion of Mr. Erwin, ordered to be transmitted to the Senate without delay.

By resolution of Mr. Franks, Mr. A. Schmidt, Superintendent of the Macon & Brunswick Railroad, was tendered a seat on this floor during his stay in the city.

The following message was received from the Senate, through Mr. Mills, their Secretary:

Mr. Speaker:

The Senate have concurred in the following resolution of the House:

A resolution authorizing and requiring the Treasurer to

pay to each member and officer of the General Assembly one hundred dollars.

The following message was received from his Excellency the Governor, through Mr. Atkinson, his Secretary, to-wit :

Mr. Speaker :

The Governor has approved and signed the following resolution, to-wit :

A resolution appointing a joint committee to take into consideration the recommendation of his Excellency the Governor in relation to the recovered bonds, etc.

Mr. Carson, chairman of the Enrolling Committee, submitted the following report, to-wit :

Mr. Speaker :

The resolution authorizing and requiring the Treasurer to pay to each member and officer of the General Assembly one hundred dollars, is duly enrolled and ready for the signature of the Speaker of the House of Representatives.

WILLIAM C. CARSON,
Chairman Enrolling Committee.

The House took up the report of the committee on the bill to open and construct a railroad from Athens, Georgia, to Clayton, Georgia, or some point on the Blue Ridge Railroad, near Clayton, by the most practicable route, and to grant State aid thereto.

The same was reported back to the House by the Finance Committee, with an amendment, recommending that it do pass as amended.

The report was amended, on motion of Mr. Davis, by substituting "fifteen thousand dollars" for "twelve thousand dollars" wherever the latter occurs in the same.

The report, as amended, was agreed to. The bill was read the third time and passed as amended.

On motion of Mr. Erwin the bill was ordered to be transmitted to the Senate without delay.

The House took up the report of the committee on the bill to incorporate the Chattahoochee Air-Line Railroad Company, and for other purposes.

The report was agreed to. The bill was read the third time and passed.

The House took up the report of the committee on the bill to extend the aid of the State to the Griffin, Monticello & Madison Railroad Company, and for other purposes.

Mr. Williams of Morgan offered, as a substitute therefor, a Senate bill to incorporate the Griffin, Monticello & Madison Railroad Company.

Mr. Rice moved to amend the substitute by substituting "twelve thousand dollars" for "fifteen thousand dollars."

Mr. Williams of Morgan called the previous question, which was sustained, on the adoption of the substitute without amendment.

The substitute was adopted.

The report, as amended, was agreed to. The bill was read the third time and passed as amended.

Mr. Fitzpatrick gave notice that he would move a reconsideration of the same.

The report of the special committee on the case of Messrs. Atkins and Stone, which was the special order for this day, was, on motion of Mr. Darnell, deferred until the disposal of the unfinished business pending, to be taken up immediately thereafter as a special order.

The House took up the report of the committee on the bill to incorporate the Great Southern Railway Company.

The same was amended, on motion of Mr. Darnell, by an additional section extending State aid thereto.

Mr. Fitzpatrick moved the indefinite postponement of the report as amended.

This motion did not prevail.

The report, as amended, was agreed to. The bill was read the third time and passed.

Mr. Fitzpatrick gave notice that he would move a reconsideration thereof to-morrow.

On motion of Mr. Tweedy the same was ordered to be transmitted to the Senate forthwith.

By resolution of Mr. Tweedy, Hon. David Irwin was tendered a seat on this floor.

The House took up the report of the committee on the bill to incorporate the Gainesville & Ellijay Railroad Company.

The same was reported back by the Finance Committee with an amendment.

On motion of Mr. Perkins of Dawson the same was amended by altering the title in conformity with the amendment of the Finance Committee, and also by substituting "fifteen thousand dollars" for "twelve thousand dollars" wherever the latter occurs therein.

The report, as amended, was agreed to.

The bill was read the third time, passed as amended, and ordered to be transmitted to the Senate forthwith.

The following bills were, on motion of Mr. Scott, taken up and read the second time, to-wit :

A bill of the Senate to fix the salaries of the Judges of the Supreme and the Judges of the Superior Courts of the State of Georgia.

This bill was referred to the Judiciary Committee.

A bill of the Senate to change the time of holding the Superior Courts of the Atlanta Circuit.

Ordered to be engrossed.

The House, also under the suspension of the rules, took up the report of the committee on the bill of the Senate to legalize the processes issued by the Clerks of the Superior Courts of the Atlanta Circuit, and for other purposes.

The report was agreed to. The bill was read the time and passed.

The House took up the report of the committee on the bill to loan the credit of the State to the Americus & Florence Railroad Company

The same was reported back to the House by the Finance Committee with an amendment.

The report was agreed to. The bill was read the third

time, passed as amended, and ordered to be transmitted to the Senate forthwith.

The House took up the report of the committee on the bill to loan the credit of the State to the Polk Slate Quarry Railroad Company, and for other purposes.

The same was amended, on motion of Mr. Strickland, by inserting after the word "Cobb," in the 35th line, the following: "through or near Dallas, in the county of Paulding, and through or near Van Wert, in the county of Polk."

The report, as amended, was agreed to.

The bill was read the third time and passed as amended.

The same was ordered to be transmitted to the Senate forthwith.

The House took up the report of the committee on the bill to incorporate the Griffin, Monticello & Madison Railroad Company, etc.

The same was, on motion of Mr. Williams of Morgan, laid on the table.

Leave of absence for a few days was granted Mr. Hillyer.

The following message was received from the Senate, through Mr. Mills, their Secretary:

Mr. Speaker:

The Senate have received the following bill of the House:

A bill to be entitled an act to enable the Mayor and City Council of the city of Marietta to levy a tax within the city limits for the benefit of Marietta Female College.

And I am directed to transmit the same forthwith to this branch of the General Assembly.

Mr. Williams of Morgan offered the following privileged resolution, which was read and agreed to:

Resolved, That the use of this hall be tendered the Hon. Amos T. Akerman to deliver an address on Thursday night next.

The House took up the report of the committee on the Senate bill to extend the aid of the State to the completion of the Savannah, Griffin & North Alabama Railroad, and for other purposes.

The report was agreed to. The bill was read the third time and passed.

The House took up the report of the committee on the bill to incorporate the Americus & Isabella Railroad Company, and loan the credit of the State to the same.

On motion of Mr. Harper of Sumter the third section thereof was amended by striking out "fifty" and inserting "one hundred."

The report, as amended, was agreed to. The bill was read the third time, passed as amended, and ordered to be transmitted to the Senate without delay.

The House took up the report of the committee on the bill to incorporate the Atlanta & Blue Ridge Railroad Company.

The same was reported back by the Finance Committee with an amendment.

On motion of Mr. Erwin the same was further amended by adding a section thereto.

The report, as amended, was agreed to. The bill was read the third time, passed as amended, and ordered to be transmitted to the Senate without delay.

The House, on motion, adjourned until 9 o'clock A. M. to-morrow.

WEDNESDAY, August 31, 1870,

9 o'clock A. M.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Brantly.

The Journal was read and approved.

The House took up the report of the committee on the bill to allow the Southwestern Railroad Company to subscribe for stock in the Americus & Florence Railroad Company.

The report was agreed to. The bill was read the third time and passed.

On motion of Mr. Tumlin the rules were suspended and the House took up and concurred in the Senate amendments of the bill to incorporate the North & South Railroad Company from Rome to Columbus, Georgia, etc.

The following resolution was, on motion of Mr. Tweedy, taken up under a suspension of the rules, and agreed to:

Resolved by the General Assembly of Georgia, That a resolution, approved March 12, 1869, by which it was declared "that the true intent and meaning of a bill to be entitled an act to loan the credit of the State to the Cartersville & Van Wert Railroad Company," passed during the present session of the Legislature, is that the credit of the State shall be extended to that portion of the road, only, lying between Cartersville and Van Wert, and that the Governor is hereby restricted in the indorsement of the credit of the State to that portion only, be, and the same is hereby, rescinded.

The House took up the report of the committee on the bill to forfeit the franchises of Nelson Tift and others to erect a toll-bridge or ferry at or near Albany, in the county of Dougherty, and to authorize the county of Dougherty or others to erect free bridges or ferries on the Flint River in said county.

On motion of Mr. O'Neal of Lowndes the same was amended by striking out all after the first section, and amending the title to conform to the said amendment.

The same was referred to the Judiciary Committee with authority to send for persons and papers.

The rules were suspended, on motion of Mr. Shumate, when he offered the following resolution, which was taken up, read and agreed to, to-wit:

Be it resolved, the Senate concurring, That the amount appropriated as a Printing Fund for the last six months of the present year be the same as that expended for the first six months, and that the Governor issue, and the

Comptroller-General approve, Executive warrants in settlement of accounts to that amount until otherwise ordered by the regular appropriation act.

The following message was received from his Excellency the Governor, through Mr. Atkinson, his Secretary, to-wit:

Mr. Speaker:

I am directed by his Excellency the Governor to deliver to the House of Representatives a communication in writing.

Mr. Bryant, chairman of the Committee on Military Affairs, made the following report:

Mr. Speaker:

I am instructed by the Committee on Military Affairs to report back to the House the following bills, to-wit:

A bill to authorize the Governor of the State to organize and equip volunteer companies.

Also, another bill of similar title, for which they recommend a substitute herewith reported.

I am also instructed to report back a bill to prevent the carrying of concealed weapons, which your committee recommend do not pass.

(Signed)

J. E. BRYANT, Chairman.

The same was, on motion of Mr. Bryant, with the bills therein mentioned, made the special order for Monday next.

The following message was received from the Senate, through Mr. Mills, their Secretary:

Mr. Speaker:

The Senate have passed the following bills, in which they ask the concurrence of the House:

A bill to be entitled an act to extend the charter of the Charleston & Savannah Railroad Company to the Savannah & Charleston Railroad Company

A bill to be entitled an act to incorporate the North Georgia & North Carolina Railroad Company.

The following message was received from his Excellency the Governor, through Mr. Atkinson, his Secretary, to-wit:

Mr. Speaker:

His Excellency the Governor has approved and signed the following resolution, to-wit:

A resolution authorizing and requiring the Treasurer to pay to each member and officer of the General Assembly one hundred dollars.

The following message was received from the Senate, through Mr. Mills, their Secretary:

Mr. Speaker

The Senate have passed the following bills, in which they ask the concurrence of the House:

A bill to be entitled an act to incorporate the Albany, Mobile & New Orleans Railroad, and for other purposes.

A bill to be entitled an act to authorize the increase of the capital stock of the Georgia Railroad & Banking Company.

They have also concurred in the House amendment to the following bill of the Senate:

A bill to be entitled an act to amend an act incorporating the Ocmulgee River Railroad Company, and for other purposes therein mentioned, etc.

The special order of the day was taken up, to-wit: the following report of the special committee on the case of Messrs. Atkins and Stone:

To the House of Representatives:

The committee appointed by your honorable body to inquire whether any State official, or other person, had used any undue influence to control the votes of James W

Atkins, of Oglethorpe county, and Alexander Stone, of Jefferson county, have had the matter investigated, and respectfully submit the evidence adduced.

(Signed)

JAMES FITZPATRICK, Chairman ;
GEO. W RUMPH,
THOS. F RAINEY,
PETER O'NEAL,
GEORGE F PAGE.

ATLANTA, August 16, 1870.

The committee appointed by the House of Representatives, under the following resolution, to-wit :

Resolved, That a special committee of five be appointed to make diligent inquiry whether any State official, or other persons, have used any undue influence, in a pecuniary point of view, or otherwise, to control the votes of James W Atkins, of Oglethorpe, and Alexander Stone, of Jefferson county ; and that said committee be required to report the result of their investigations at the earliest practicable moment, and that said committee be authorized to administer oaths, and be empowered to send for persons and papers—

Met to-day in the Hall of the House of Representatives.

The committee are Messrs. Fitzpatrick of Bibb, Chairman ; Rainey of Schley, O'Neal of Baldwin, Page of Lee, and Rumph of Wayne.

After making some preliminary arrangements, the committee adjourned to meet at room 45, capitol building, on to-morrow, 17th instant, at 4 o'clock P. M.

—

AUGUST 17, 1870—4 o'clock P. M.

The committee met pursuant to adjournment.

Present—Messrs. Fitzpatrick, Rainey, Rumph and Page. James W Atkins, having been summoned, appeared and was sworn.

Examination as follows :

By Mr. Fitzpatrick—

Question—Did you receive any money from any person in Atlanta on Thursday last?

Answer—No.

By Mr. Rainey—

Question—Did any person promise to give you any money hereafter?

Answer—No.

By Mr. Fitzpatrick—

Question—Did you receive any money from any person on Thursday?

Answer—No, sir; I think not. I borrowed \$50 from Alton Angier, on Thursday or Friday last, on my per diem, and gave him an order for \$55. I borrowed \$50 from Captain Blodgett, and I gave him a note. I am not aware whether it was this week or last that I borrowed the money from him; I think it was last week.

Question—Did you give him (Mr. Angier) the order when you received the money from him?

Answer—He loaned me the money on my per diem. He let me have the money, and I told him to write an order on me for \$55, and that I would sign it at any time.

By Mr. Rainey—

Question—Has any person used any threats towards you?

Answer—No, sir.

Question—Was there any undue influence used towards you for the purpose of controlling your vote?

Answer—No, sir; none whatever.

By Mr. Rumph—

Question—Did any person or persons attempt to use any undue influence?

Answer—No, sir.

By Mr. Fitzpatrick—

Question—Has Angier spoken to you on this subject since yesterday?

Answer—No, sir.

By Mr. Page—

Question—Just before the vote was taken, for what purpose did Angier take you out?

Answer—He took me out for no purpose, and I swear that Angier never spoke to me about my vote.

By Mr. Fitzpatrick—

Question—Did you say to any member of the Legislature that you were going to make a good thing of this prolongation question?

Answer—No, sir; I did not—at least I don't recollect.

Question—Is it customary for Mr. Angier to give money to members of the Legislature without any security?

Answer—I don't know. He has let me have it several times without any security.

By Mr. Rumph—

Question—Does he let you have this money out of his private funds or out of the Treasury?

Answer—Out of his private funds—he tells me so.

By Mr. Fitzpatrick—

Question—Mr. Atkins, will you swear that when you took the money from Angier you intended giving it back to him?

Answer—Yes, sir; I swear I did intend to give it back.

Question—Where did you receive the money from Mr. Angier?

Answer—In Lee Smith's bar-room.

Question—On what day?

Answer—I don't know; it may have been on Friday last.

By Mr. Rumph—

Question—Do you know of any member of the Legislature being offered any money or anything that might influence his vote?

Answer—No, sir; I do not.

By Mr. Rainey—

Question—Did any member of the Legislature tell you that he could win a hundred dollars on your vote?

Answer—Yes, sir.

Question—Did you authorize him to make the bet, and that you would go halves with him?

Answer—No.

Mr. Page, sworn, took the stand.

By Mr. Fitzpatrick—

State the conversation you had with Mr. Atkins.

I asked Mr. Atkins if he was going to vote for reconsideration. He said he was. That was on Friday morning about twenty minutes to eleven o'clock. I told him if he was I had just heard some men offering to bet a hundred dollars that he would vote against reconsideration. He told me to go and make the bet—that he would go in with me, and I go halves with him.

The committee then adjourned.

THURSDAY, August 18, 1870,

4 O'CLOCK P. M.

The committee met pursuant to adjournment.

Mr. Alton Angier appeared and was sworn.

By the Chair—

Question—What is your occupation?

Answer—I am clerk in the Treasurer's office.

Question—Your father is State Treasurer?

Answer—He is.

Question—Have you at any time paid, or given, or promised anything to James W Atkins to influence his vote on last Thursday or Friday, or any other time?

Answer—No.

Question—Have you given any money to Mr. Atkins during this session?

Answer—None whatever.

Question—Have you loaned any money to Mr. Atkins since January last?

Answer—I have loaned him money at various times since January last.

Question—Did you loan him any money on last Thursday or Friday?

Answer—I did on last Thursday

Question—How much?

Answer—Fifty dollars.

Question—Where did you pay him the money?

Answer—In Lee Smith's saloon.

Question—What was the consideration on which you loaned him the money?

Answer—I loaned it to him simply as a matter of accommodation, as I have done many times before, and to many other members.

Question—Did you loan this out of your private purse?

Answer—I did.

Question—Did Mr. Atkins give you an order on his per diem for the money?

Answer—He did not.

Question—Did you tell Mr. Atkins that if he voted against prolongation that you would make him a present of the fifty dollars?

Answer—I did not. Mr. Atkins told me that a certain party came to him and said that he owed him fifty dollars, and that if said Atkins would vote for prolongation he would make it all right. Said Atkins stated to me that he wanted this money from me for the purpose of paying him.

By Mr. Rumph—

Question—Who was the party that he said he owed the money to?

Answer—E. F. Blodgett.

By the Chair—

Question—Did you pay, since last Thursday morning, any money to Mr. Atkins?

Answer—I did not.

Question—Have you instructed any person, in or out of Atlanta, to try and influence Mr. Atkins' vote?

Answer—No.

By Mr. Rumph—

Question—Do you know of Mr. Atkins being connected with any other person or persons, or of his being employed by any party in or out of the Legislature, in such a manner as to influence his or their votes?

Answer—I have no knowledge of anything of the kind whatever.

Mr. Richardson, being sworn, answered the following questions:

By the Chair—

Question—What is your name?

Answer—Alfred Richardson.

Question—Are you a member of the Legislature?

Answer—Yes, sir.

Question—From what county?

Answer—Clarke.

Question—Do you know James Atkins?

Answer—Yes, sir.

Question—Have you seen any money pass between Mr. Angier and Mr. Atkins on last Thursday or Friday?

Answer—Yes, sir. I saw Alton Angier and Mr. Atkins go out of the House of Representatives; in a few minutes after I went down stairs; when I got to the foot of the stair steps, I saw Atkins standing at the delivery window in the Treasurer's office. Mr. Angier, senior, I think it was, was standing on the inside; Mr. Atkins folded up a package of greenbacks and put them into his pocket. That took place on last Friday, 12th instant.

Question—Was there any other person besides Mr. Angier and Atkins in the office?

Answer—Not that I am aware of.

Question—Were these two persons close to each other?

Answer—They were standing at the window, face to face.

Mr. Cunningham sworn.

By the Chair—

Question—You are a Representative from Oglethorpe county?

Answer—Yes, sir.

Question—Do you know of James W. Atkins having received any money for his vote at any time since the fourth of July, 1868?

Answer—Yes, sir; I saw John Echols, a colored man, pay Mr. James Atkins \$300, and he and Atkins both said that he (Echols) was paying him (Atkins) the money for voting for Joseph E. Brown. I saw Echols count the money and pay it to Atkins. Before the vote Echols came to me and told me that he had hired James Atkins to vote for Joseph E. Brown for United States Senator, and he was to pay him \$300 for the vote. After Mr. Atkins got the money he came to me and said: "Uncle Jimmy, I

have made a very good thing of the election, for I have received \$200 from another person." He did not tell me from whom he got the \$200.

The committee then adjourned.

FRIDAY, August 19, 1870,
4 o'clock P. M.

The committee met pursuant to adjournment.

John Echols, being duly sworn, answered the following questions:

By Mr. Fitzpatrick—

Question—Where do you live?

Answer—At Lexington, Oglethorpe county.

Question—Have you, at any time since the fourth of July, 1868, paid James W Atkins money to buy his vote?

Answer—Yes, sir; I paid him \$300.

Question—When did you pay him?

Answer—Don't recollect the day. I paid him \$300 for voting for Joseph E. Brown for United States Senator.

Question—What conversation took place between yourself and Mr. Atkins?

Answer—On the day before the election I asked James W Atkins if he was going to vote for Joe Brown for United States Senator. He answered, "no." I asked why. He answered, he was going to vote for Hill. He then said to me that he would vote for Joe Brown for \$200. He afterwards said to me that if I would give him \$300 he would vote for Joe Brown for United States Senator. I told him I would give him \$300. On the day of the election, after the vote being taken, I paid him the \$300 at the Cowart House.

By Mr. Rumph—

Question—Who gave you the \$300 to pay Atkins for his vote?

Answer—I don't know. The man who gave me the money refused to give his name.

By Mr. Rainey—

Question—Have you ever seen him since?

Answer—No ; I have never seen him since.

Question—Would you know him if you saw him again?

Answer—I think I would. I am not positive.

Question—Was any person present when you paid Mr. Atkins?

Answer—Yes; Mr. Cunningham.

Mr. E. F. Blodgett sworn.

By Mr. Fitzpatrick—

Question—What business do you follow?

Answer—I am purchasing agent for the State Road.

Question—Have you loaned Mr. Atkins any money within the last two weeks?

Answer—Yes; I loaned him \$50, and hold his note for the amount.

By Mr. Rainey—

Question—Was there anything said by you, when you loaned him the \$50, about its being a consideration to vote for or against prolongation?

Answer—I did not give it as a consideration to control his vote.

Question—Did you tell Mr. Atkins that if he would vote for reconsideration that you would relieve him from his obligations as far as the \$50 were concerned?

Answer—No.

Alexander Stone, being summoned, appeared and was sworn.

By the Chair—

Question—What is your position?

Answer—I am a Representative from Jefferson county.

Question—On last week did you receive any money, or promise of money, reward of any kind, fashion or shape, directly or indirectly, to influence your vote on prolongation or reconsideration?

Answer—No.

Question—Did you receive any present since?

Answer—Yes.

Question—What was the present?

Answer—A watch.

Question—When did you get this watch?

Answer—I think I got it on Wednesday last.

Question—Who gave you the watch?

Answer—Alton Angier.

Question—Where did he give it to you?

Answer—In the State Treasurer's office.

Question—Why did Angier present you with the watch?

Answer—Angier said it was a present from a party for voting against prolongation. He further said it was given to me for my boldness.

Question—Did young Angier invite or ask you out of the House of Representatives on Friday, 12th instant?

Answer—Yes; Alton Angier said his father, the State Treasurer, wanted to see me.

Question—What conversation had you with Mr. N. L. Angier in his office?

Answer—Mr. Angier asked me how I was going on reconsideration. I said I did not know what I was going to do in the matter. I left immediately after this conversation. No proposals were made. I swear positively that no man made any proposals to me, directly or indirectly, to influence my vote on prolongation or reconsideration.

By Mr. O'Neal—

Question—Didn't you state, in the presence of some member of the General Assembly, that you could make \$1,000 by voting against reconsideration?

Answer—No.

Mr. Abraham Colby being duly sworn.

By Mr. O'Neal—

Question—Did you hear Mr. Stone say that he could make \$1,000 by voting against reconsideration?

Answer—Yes.

On motion, the committee adjourned to 4 o'clock P. M. to-morrow

SATURDAY, August 20, 1870,

4 O'CLOCK P. M.

Mr. Sharp, having been summoned, appeared and was sworn.

By the Chair—

Question—What is your name?

Answer—George Sharp.

Question—Where do you reside?

Answer—Atlanta.

Question—What is your business?

Answer—Jeweler.

Question—Have you at any time, within the last two weeks, sold a watch to Alexander Stone, a colored man?

Answer—I have not.

Question—Have you engraven a watch for Mr. Stone?

Answer—Yes, sir.

Question—Do you recollect what the engraving was?

Answer—No; I put the engraving on the watch the day after the vote was taken on reconsideration.

Question—What was the price of the watch?

Answer—\$100.

Question—Who bought the watch?

Answer—Alton Angier.

Question—What day was the watch bought from you?

Answer—Saturday; and I engraved and delivered it on the same day. I saw a list with names of subscribers towards the purchase of the watch. I contributed the engraving, the price of which was \$5 00.

By Mr. Rumph—

Question—Is it customary for you to engrave watches free of charge?

Answer—Yes.

By Mr. Rainey -

Question—You don't think it was given to him as a bribe to induce him to vote on prolongation?

Answer—I don't know.

Question—To whom did you deliver the watch?

Answer—To Mr. Alton Angier.

Question—Did he tell you what to engrave on the watch?

Answer—Yes; he gave it to me in writing.

On motion, the committee adjourned.

MONDAY, August 22, 1870,

4 O'CLOCK P. M.

The committee met pursuant to adjournment.

Mr. John C. Maund, being duly sworn, gave the following testimony :

By the Chair—

Question—Do you know Alexander Stone ?

Answer—I do not ; but on the evening of the day on which the vote on reconsideration was taken, I remarked to some persons that if he could not go home to his own county, he might come to my place in Talbot county and I would give him a homestead ; for a man like him, who exhibited so much moral courage, was precisely the man that I wanted for a neighbor. I have never, to my knowledge, seen him, and would not know him if I saw him now.

Question—Do you remember meeting with any person, or persons, at Lee Smith's bar-room, or any other place, who said that Stone and Atkins were bribed ?

Answer—I have heard it said so, but so frequently that I have taken no notice of who said it ; I don't now recollect who it was that made the assertion.

By Mr. Rumph—

Question—All that you have said took place after the vote was taken ?

Answer—Yes.

On motion the committee adjourned till Thursday next.

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THURSDAY, August 25, 1870,

4 o'clock P. M.

The committee met pursuant to adjournment.

Mr. Alton Angier, Clerk in the Treasurer's office, being duly sworn, answered the following questions :

By the Chair—

Question—Did you give Mr. Stone a watch ?

Answer—I did.

Question—When ?

Answer—On or about the 15th or 16th of August.

Question—Where did you give him the watch?

Answer—In the Treasurer's office.

Question—What was the consideration?

Answer—Nothing whatever. It was a presentation from his friends for firmness and fidelity in opposing prolongation.

Question—How much did it cost?

Answer—\$120.

Question—Who paid for it?

Answer—I did. I raised a subscription for the purpose.

Question—Who were the subscribers?

Here Mr. Angier produced the list, of which the following is a copy :

ATLANTA, August 13, 1870.

We, the undersigned, agree to pay the amount set opposite our several names for the purpose of purchasing a suitable testimonial for Alexander Stone for his firmness and fidelity in opposing "prolongation:"

Joshua Hill—paid	..			\$5 00'
N. L. Angier—paid.	...	..		5 00
J. F. Alexander—paid...	...		..	5 00
W. A. McDougald—paid.	.....	..		5 00'
Henry Tanner—paid.	..	..		5 00'
Henry P. Farrow paid.		..	..	5 00'
John T. Burns—paid	...	...		5 00'
Milton A. Candler -paid.	..	...		5 00
B. B. Hinton—paid ..	...	..		5 00'
J. H. James—paid.	..		..	5 00
W. B. Lowe & Co.—paid	.....	..		5 00'
Cash—paid.	...	..		5 00
M. E. Kenny—paid.	..	..		5 00'
Cash—paid.	..	.....		5 00
Dunlap Scott—paid.	..	....		5 00'
S. B. Hoyt—paid.	..	..		5 00
Cash—paid...	..		..	2 00
George Sharp, jr.—paid.	..	..		5 00'
J. T. Glenn—paid.	..		..	5 00
Cash—paid.		.....		2 00'
Henry Jackson—paid	...		.....	5 00'

Question—Whom did you buy this watch from?

Answer—From George Sharp, jr.

Question—When was that list got up?

Answer—It began on the 12th of August, after prolongation had been defeated.

Question—Did you, before the vote was taken on prolongation, promise any consideration to Mr. Stone for his vote?

Answer—None whatever. The watch given to Mr. Stone he had no idea of till the gift was presented on the 16th of August by me.

The investigation here closed.

Attest:

P WALPOLE,
Clerk of Committee.

On motion of Mr. Bryant the cases were severed, and that of Mr. Stone first considered.

The evidence therein being read, Mr. Bryant offered the following resolution:

WHEREAS, In the case of Hon. Alexander Stone, Representative from Jefferson county, no evidence has been taken to prove that he has been influenced in any vote he has given in this House, by money or other valuable consideration;

Therefore resolved, That all charges against the said Stone be dismissed.

The following, offered by Mr. Johnson of Spalding, was accepted as a substitute by Mr. Bryant for his resolution:

WHEREAS, The charges of bribery against Alexander Stone, member of this House, have not been sustained by testimony;

Therefore resolved, That said charges be dismissed.

Mr. Fitzpatrick called the yeas and nays on the question of agreeing to the foregoing resolution.

Those voting in the affirmative are Messrs.—

Armstrong,	Houston,	Pepper,
Anderson,	Harden,	Porter,
Allen of Jasper,	Haren,	Perkins of Dawson,
Bethune.	Hamilton.	Perkins of Cherokee,
Belcher,	Harkness.	Rice,
Beard,	Hughes.	Reddish,
Brown,	Hook,	Rosser,
Barnum,	Harris of Murray,	Rogers,
Ballanger,	Harper of Sumter,	Rumph,
Bryant,	Harrison of Franklin,	Sewell,
Bradford,	Hall of Meriwether.	Strickland,
Buchan,	Hall of Glynn,	Simms,
Carson.	Joiner,	Saulter,
Carpenter.	Jackson,	Sisson,
Clark,	Johnson of Towns,	Shumate,
Caldwell,	Johnson of Spalding.	Shackleford,
Cloud,	Johnson of Forsyth,	Scott,
Cleghorn,	Lee,	Scroggins.
Darnell,	Lastinger,	Sorrells,
Erwin,	Linder,	Smith of Coffee,
Evans,	Madden,	Smith of Muscogee,
Fitzpatrick,	Matthews,	Tweedy,
Felder,	Maxwell.	Turner,
Floyd,	Maull,	Tumlin,
Fowler,	Moore,	Turnipseed,
Ford,	McArthur,	Vinson,
Fryer,	McDougald.	Watkins,
Fincannon,	Neal,	Walthall,
Gober,	Nash,	Welchel,
Gardner.	Nisbet of Dade,	Warren of Quitman,
Guilford,	Osgood,	Williams of Haralson.
Gullatt,	O'Neal of Lowndes,	Williams of Morgan,
Higdon.	Paulk,	Zellars.
Holden.		

Those voting in the negative are Messrs.—

Allen of Hart,	Holcombe,	McCormick,
Clower,	Hutchings,	Nesbit of Gordon,
Colby,	Harrison of Hancock.	O'Neal of Baldwin.
Davis,		

Yeas 100.

Nays 10.

So the resolution was agreed to.

The case against Hon. James W Atkins was taken up,

and the evidence submitted by the committee in relation thereto was read.

Mr. Turner submitted, as a point of order, that no transaction which occurred prior to the present session is the legitimate subject of action by the committee and consideration by the House.

The following is the decision of the Chair :

The ruling of the Speaker of this House, in the case of the members of Houston county, was made upon the hypothesis that the question of the election had been fully determined by General Meade, and that, too, before the said members had been made amenable to this House as such ; but it is competent for this House to consider the conduct of its members, and to correct, reprimand or expel, when justified by the violation of its decorum, including acts committed prior to the present session.

Mr. Johnson of Spalding offered the following resolution :

WHEREAS, The charges of bribery preferred against James Atkins, in reference to prolongation, have not been sustained ; therefore

Resolved, That said charges be dismissed.

Mr. Tumlin offered the following resolution :

Resolved, That the evidence in the case of James Atkins is irrelevant to the question involved in the resolution passed by the House ; that said evidence should not have been entertained by the committee of investigation, created by said resolution, and that the so-called charges are hereby dismissed.

Mr. Fitzpatrick offered the following resolution :

WHEREAS, It appears, conclusively, that James Atkins, member elect to this House, received money in 1868, paid him to influence his vote for United States Senator ; therefore

